CALL TO ORDER

APPROVAL OF MINUTES


PUBLIC HEARING ITEMS

Individuals who wish to submit a public comment on the variance requests may do so in writing by 12:00 pm on Tuesday, August 25, 2020, using one of the following options:

- ONLINE: www.townofseabrookisland.org
- EMAIL: jcronin@townofseabrookisland.org
- MAIL: Town of Seabrook Island, 2001 Seabrook Island Road, Seabrook Island, SC 29455

1. **Variance # 166** [Pages 5–57]
   
   **APPLICANT:** Robert and Katherine Newman (Owners)
   **ADDRESS:** 2750 Gnarled Pine
   **TAX MAP NUMBER:** 147-08-00-082
   **ZONING DISTRICT:** SR Single-Family Residential
   **PURPOSE:** To allow a proposed deck extension to encroach approximately 11 feet into the required 15-foot rear yard setback

2. **Variance # 167** [Pages 58–180]
   
   **APPLICANT:** Eric and Elizabeth Bryan (Owners)
   Malcolm Brennan (Applicant)
   **ADDRESS:** 2913 Deer Point Drive
   **TAX MAP NUMBER:** 149-14-00-029
   **ZONING DISTRICT:** SR Single-Family Residential
   **PURPOSE:** To allow a proposed swimming pool to encroach approximately 6.5 feet into the required 25-foot setback from the OCRM critical line (marsh)
3. **Variance # 168**

**APPLICANT:** Leanne and William Spaide (Owners)
Outdoor Spatial Design LLC (Applicant)

**ADDRESS:**
3557 Seaview Drive

**TAX MAP NUMBER:**
147-11-00-049

**ZONING DISTRICT:**
SR Single-Family Residential

**PURPOSE:**
To allow a proposed retaining wall to encroach approximately 30 feet into the required 30-foot front yard setback and to allow terraced steps and decking to encroach approximately 7 feet into the required 15-foot rear yard setback

**ITEMS FOR INFORMATION / DISCUSSION**

*There are no Items for Information / Discussion*

**ADJOURN**
MINUTES

Present: Walter Sewell (Chair), Ava Kleinman, Bob Leggett, John Fox, Joe Cronin (Zoning Administrator)

Absent: Janet Gorski

Guests: Katrina Burrell (SIPOA), Holly Bryan (2913 Deer Point Drive), Malcolm Brennan (M Brennan Architects Inc.), William Spaide (3557 Seaview Drive), Leanne Spaide (3557 Seaview Drive), Garris Killingsworth (Outdoor Spatial Design, LLC), Evan Brandon (Outdoor Spatial Design, LLC)

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:30 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted.

APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: June 5, 2020**: Mr. Leggett made a motion to approve the minutes from the June 5, 2020, meeting as submitted. Ms. Kleinman seconded the motion. The motion was **APPROVED** by a vote of 4-0.

PENDING VARIANCE REQUESTS

Zoning Administrator Cronin distributed copies of the following variance applications to members of the Board prior to the meeting:

- **Variance #166**: 2750 Gnarled Pine (Request to allow a proposed deck extension to encroach approximately 11 feet into the required 15-foot rear yard setback)
- **Variance #167**: 2913 Deer Point Drive (Request to allow a proposed swimming pool to encroach approximately 6.5 feet into the required 25-foot setback from the OCRM critical line)
- **Variance #168**: 3557 Seaview Drive (Request to allow a proposed retaining wall to encroach approximately 30 feet into the required 30-foot front yard setback and to allow terraced steps to encroach approximately 7 feet into the required 15-foot rear yard setback)
Chairman Sewell noted that the Board would not be conducting a group site visit to these three properties as a result of the ongoing pandemic. He encouraged Board members to reach out to each property owner to schedule a time for an individual site visit.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion

There being no further business, Mr. Fox made a motion to adjourn the meeting. Ms. Kleinman seconded the motion. The motion to adjourn the meeting was APPROVED by a vote of 4-0 and the meeting was adjourned at 2:36 PM.

Zoning Administrator Cronin noted for the record that the public hearing for each of these variances would be held “virtually” due to the ongoing COVID-19 pandemic. He stated that all public comments should be provided in writing in advance of the meeting via one of the following options:

- **ONLINE**: www.townofseabrookisland.org
- **EMAIL**: jcronin@townofseabrookisland.org
- **MAIL**: Town of Seabrook Island, 2001 Seabrook Island Road, Seabrook Island, SC 29455

All comments received will be read into the public record during the hearing on August 26th.

Minutes Approved: Joseph M. Cronin
Zoning Administrator
MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Application # 166 – 2750 Gnarled Pine
MEETING DATE: August 26, 2020

Variance Application #166

<table>
<thead>
<tr>
<th>Applicants:</th>
<th>Robert and Katherine Newman (Owners)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>2750 Gnarled Pine</td>
</tr>
<tr>
<td>Tax Map Number:</td>
<td>147-08-00-082</td>
</tr>
<tr>
<td>Zoning District:</td>
<td>SR Single-Family Residential</td>
</tr>
<tr>
<td>Purpose:</td>
<td>To allow a proposed deck extension to encroach approximately 11 feet into the required 15-foot rear yard setback</td>
</tr>
</tbody>
</table>

Overview

The Town has received a variance application from Robert and Katherine Newman, the owners of Charleston County Tax Map # 147-08-00-082 (collectively, the “Applicants”). The Applicants are requesting a reduction in the 15-foot rear yard setback requirement for open decks to allow for construction of a wooden deck and steps at the rear of their existing single-family residence. The property is located at 2750 Gnarled Pine (Block 9, Lot 12).

According to Charleston County tax records, the existing home was completed in 1979. Because the town was not incorporated until 1987, the property would have been developed under Charleston County’s zoning requirements. Mr. and Mrs. Newman purchased the property in September of 2019.

The DSO requires a minimum rear yard setback of 15 feet for open decks when abutting open space, such as a golf course. At its closest point, the proposed deck will be located approximately 4 feet from the rear property line.

Code Reference:

a. § 7.60.60, Open Space Lots—Rear Setback. On lake, lagoon, or golf course lots the minimum rear lot setback of the residential structure must be twenty-five (25) feet. Open decks may extend into the setback, but may not be less than fifteen (15) feet from the rear lot line.

The property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right.
The existing home complies with the 30-foot front yard setback and 15-foot side yard setback on both sides. A pre-existing deck was located 11.8’ from the rear property line, an encroachment of 3.2-feet into the required 15-foot setback requirement for open decks. Given that the home was built prior to the town’s incorporation, all existing non-conformities would be considered “grandfathered.”

In order to allow for construction of the proposed deck, the Applicants are requesting the following variance from the requirements of the DSO:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>VARIANCE (REQUESTED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard Setback (Open Decks)</td>
<td>15 feet (§ 7.60.60)</td>
<td>Reduce the rear yard setback from 15 feet to approximately 4 feet (11-foot encroachment)</td>
</tr>
</tbody>
</table>

In their application, the Applicants are requesting relief from the rear yard setback requirement for the following reasons:

a) The existing home was constructed prior to the town’s incorporation, and was built under different (Charleston County) zoning requirements in place at the time;

b) The conditions do not apply to other properties in the vicinity due to neighboring homes being constructed at a later date and, therefore, in compliance with the town’s current setback requirements;

Note Regarding Closest Properties to the Right and Left of 2750 Gnarled Pine
Right Side: 2740 Gnarled Pine was built in 1986 (pre-incorporation)
            2730 Gnarled Pine was built in 1994 (after incorporation)
Left Side:  2708 Seabrook Island Road was built in 1998 (after incorporation)
            2712 Seabrook Island Road was built in 1997 (after incorporation).

c) Strict application of the rear yard setback requirement would prohibit the Applicants from improving the property and enjoying their backyard; and

d) The adjacent property to the rear of the Applicants’ property is owned by the Seabrook Island Club, which has submitted a letter in support of the Applicants’ variance request, and the deck will still be more than 25 feet away from the currently maintained area of the golf course.

Staff Comments

As a matter of practice, the town’s Zoning Administrator does not typically provide a recommendation in favor of, or in opposition to, a variance application. In our opinion, these requests are best left to the Board of Zoning Appeals following a thorough review of the relevant facts, including the receipt of testimony from interested parties during the required public hearing.
In granting a variance, state law permits the Board of Zoning Appeals to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Should the Board vote to approve the variance request, staff would recommend in favor of attaching the following conditions:

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on August 26, 2020. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.

- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.

- The variance shall expire on August 26, 2022 (two years from the date of approval) if the Applicants fail to obtain a building permit on or before that date.

Respectfully submitted,

[Signature]

Joseph M. Cronin
Town Administrator/Zoning Administrator
Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;

(b) these **conditions do not generally apply to other property** in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and

(d) the authorization of a variance **will not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
The following supplemental items have been attached for review:

### Application & Property Information

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Variance Application</td>
<td>10-14</td>
</tr>
<tr>
<td>2</td>
<td>Survey (Existing Conditions)</td>
<td>15-16</td>
</tr>
<tr>
<td>3</td>
<td>Site Plan &amp; Building Drawings</td>
<td>17-19</td>
</tr>
<tr>
<td>4</td>
<td>Subdivision Plat (1974)</td>
<td>20-21</td>
</tr>
<tr>
<td>5</td>
<td>Property Photos</td>
<td>22-29</td>
</tr>
<tr>
<td>6</td>
<td>Zoning Map</td>
<td>30-31</td>
</tr>
<tr>
<td>7</td>
<td>Aerial Images</td>
<td>32-33</td>
</tr>
<tr>
<td>8</td>
<td>FEMA Base Flood Elevations (Current &amp; Preliminary)</td>
<td>34-35</td>
</tr>
<tr>
<td>9</td>
<td>Title to Real Estate</td>
<td>36-40</td>
</tr>
<tr>
<td>10</td>
<td>Property Information Card</td>
<td>41-45</td>
</tr>
<tr>
<td>11</td>
<td>Public Hearing Notice – Letter to Neighboring Property Owners</td>
<td>46-47</td>
</tr>
<tr>
<td>12</td>
<td>Public Hearing Notice – List of Neighboring Property Owners</td>
<td>48-49</td>
</tr>
<tr>
<td>13</td>
<td>Public Hearing Notice – U.S.P.S. Certified Mail Receipts</td>
<td>50-51</td>
</tr>
<tr>
<td>14</td>
<td>Public Hearing Notice – Post and Courier Legal Ad</td>
<td>52-53</td>
</tr>
<tr>
<td>15</td>
<td>Public Hearing Notice – Property Posting</td>
<td>54-55</td>
</tr>
</tbody>
</table>

### Other Information

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

### Written Correspondence Regarding the Proposed Variance Request

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Letter from Sean Hardwick, Seabrook Island Club (July 13, 2020)</td>
<td>56-57</td>
</tr>
</tbody>
</table>
Variance Application
## TOWN OF SEABROOK ISLAND

**Board of Zoning Appeals**

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a $150.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

## 1. PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>2750 Crooked Pine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Map Number</td>
<td>142-08-00-082</td>
</tr>
<tr>
<td>Block</td>
<td>9</td>
</tr>
<tr>
<td>Lot</td>
<td>11</td>
</tr>
<tr>
<td>Lot Size (Square Feet)</td>
<td>40x40</td>
</tr>
<tr>
<td>Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)</td>
<td>Yes</td>
</tr>
<tr>
<td>Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

## 2. APPLICANT(S)

<table>
<thead>
<tr>
<th>Applicant Name(s)</th>
<th>Robert Nunnan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>160 Caball Dr, Charleston, SC 29411</td>
</tr>
<tr>
<td>Applicant Phone Number</td>
<td>704-306-2960</td>
</tr>
<tr>
<td>Applicant Email Address</td>
<td><a href="mailto:rsrotherm@bellsouth.net">rsrotherm@bellsouth.net</a></td>
</tr>
</tbody>
</table>

If the Applicant is NOT an owner of the property, what is the relationship to the Property Owner(s)?

## 3. PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Owner Name(s)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Mailing Address</td>
<td>same as above</td>
</tr>
<tr>
<td>Owner Phone Number</td>
<td></td>
</tr>
<tr>
<td>Owner Email Address</td>
<td></td>
</tr>
</tbody>
</table>

**Designation of Agent (Required if the Applicant(s) is are) NOT a Property Owner): I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.**

<table>
<thead>
<tr>
<th>Owner Signature(s)</th>
<th>Robert Nunnan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>6-17-20</td>
</tr>
</tbody>
</table>

## 4. CERTIFICATION

Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge.

<table>
<thead>
<tr>
<th>Applicant Signature(s)</th>
<th>Robert Nunnan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>6-17-20</td>
</tr>
</tbody>
</table>

## OFFICE USE ONLY

<table>
<thead>
<tr>
<th>Date Filed:</th>
<th>Variance Application #:</th>
<th>Hearing Date:</th>
</tr>
</thead>
</table>

Variance Application (Rev. 07/2019)  Page 1 of 3
5. VARIANCE REQUEST

A. Please provide a brief description of the proposed scope of work:

Add additional square footage to the existing footprint of back decking. Current decking will all be replaced and brought to code (was built decades ago and mostly rotten and built on sand). Walk way down side of house. Deck does not impede on golf course, please see letter from Sean Hardwick to this affect.

B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town’s DSO:

1) DSO Section Reference(s): Section 7.60.60

2) DSO Requirement(s): Open Space Lots—Rear Setback. On golf course lots the min. rear lot setback of the residential structure must be twenty five (25) feet. Open decks may extend into the setback, but may not be less than fifteen feet from rear lot line.

C. The application of the zoning requirements of the town’s DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

See attached

2) These conditions do not generally apply to other property in the vicinity as shown by:

See Attached

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

See Attached

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

See Attached
Town of Seabrook Island, Application for Variance
Addendum to Part C, Questions Identified as 1, 2, 3, and 4.

1. This piece of property, The Newman Residence at 2750 Gnarled Pine, is exceptional due to the fact that it was built in 1982 and prior to the incorporation of Seabrook Island and the Town of Seabrook. The home was built completely under different zoning standards.

2. This situation does not apply to my neighboring properties, because those homes were built after the incorporation of the Town of Seabrook and were built with existing setbacks and parameters in place. This created an opportunity for my neighbors to build away from the setbacks and I was not able to take advantage.

3. Due to the existing setbacks and zoning I am not able to enjoy the back yard at all. My current deck is rotten, provides standing water for bugs and unsanitary conditions around the water areas (as evidenced by the need for new drainage at the back of my lot by the Club/golf course). My neighbors also get to look at an area that is uninhabitable and therefore poorly maintained by the previous owner; however, without the variance, modernization and clean up of the area is strained at best.

4. There will not be any detriment to the adjacent properties or the public good or the character of Seabrook Island. I would furthermore offer that a variance in the case of this property is the only real way to continue to honor the character of the property and not to deter other from owning adjacent properties. In addition to this, the golf course will have a cleaner neighbor with more appropriate construction around the golf course and not an eye sore. Had the home been built post 1987, then it would of course been built closer to the center and forward part of the lot. Also, the impact on the property is at the rear of the property and does not impair the golf course or the enjoyment to the golfers. This would still be 25+ feet away from the currently maintained area of the golf course.
### Application Materials

In addition to the completed Variance Application Form, all requests for variance must be accompanied by the supplemental materials listed below. An application is not considered "complete" until all required documentation has been received by the Zoning Administrator. Below is a checklist of the required materials:

- **Completed & Signed Variance Application Form** *(Paper Required; PDF Optional)*
  - Please submit one completed paper application. All signatures must be original.
- **$150.00 Application Fee**
  - The application fee may be paid by cash or check only.
- **As-Built Survey / Survey of Existing Conditions** *(Paper Required; PDF Optional)*
  - All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.
- **Proposed Site Plan** *(Paper & PDF Required)*
  - Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
  - For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.
- **Scaled Architectural Drawings** *(Paper & PDF Required)*
  - Required for all new structures and/or exterior modifications to existing structures.
  - Architectural drawings must show, at a minimum:
    - A detailed floor plan or plan view; and
    - Front, side, and rear elevations, as appropriate.
- **Letter of Approval from Property Owners Association and/or Regime** *(Paper Required; PDF Optional)*
  - Required for all properties which are subject to private restrictions and/or covenants.
  - If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.
- **Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required** *(Paper & Digital Files Optional)*

### Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

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(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Variance Application (Rev. 07/2019)
Survey (Existing Conditions)
ATTACHMENT #3

Site Plan & Building Drawings
ATTACHMENT #4

Subdivision Plat (1974)
SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
LOT 1 OF LOTS 2-129 AND 26-52 BLOCK A, LOTS 2-5 BLOCK 12
AND LOTS 2-9 BLOCK 13
SCALE 1" = 100'
Property Photos
ATTACHMENT #6

Zoning Map
ATTACHMENT #7

Aerial Image
2750 Gnarled Pine

Parcel ID: 1470800082
OWNER1: NEWMAN ROBERT S
PLAT BOOK PAGE: AE-48
DEED BOOK PAGE: 0827-148
Jurisdiction: TOWN OF SEABROOK ISLAND

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.
ATTACHMENT #8

FEMA Base Flood Elevations
(Current & Preliminary)
FEMA Base Flood Elevation (Current)
AE-13

FEMA Base Flood Elevation (Effective 01/29/2021)
AE-10
ATTACHMENT #9

Title to Real Estate
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

KNOW ALL MEN BY THESE PRESENTS, THAT the Estate of Joan I Haugaard by Dan Haugaard, Executor/Personal Representative in the State aforesaid, for and in consideration of the sum of Four Hundred Forty-five Thousand and 00/100 ($445,000.00) DOLLARS to me in hand paid at and before the sealing of these presents by Robert S. Newman and Katherine H. Newman, in the State aforesaid, the receipt whereof is acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Robert S. Newman and Katherine H. Newman as joint tenants with right of survivorship and not as tenants in common, the following described real property:

ALL that certain lot, piece or parcel of land situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as LOT 12, BLOCK 9, on a plat by E. M. Seabrook, Jr., C. E. & L.S., dated November 30, 1973, and recorded in Plat Book AC et page 128 in the Charleston County RMC Office and shown on more recent plat by E. M. Seabrook, Jr., CE & LS, dated April 10, 1975, and recorded in the aforesaid RMC Office in Plat Book AE, page 111.

Said lot having the size, shape, dimensions, butttings and boundings, more or less, as shown on said plats, which are specifically incorporated herein by reference.

THIS CONVEYANCE IS SUBJECT to the Restrictions and Protective Covenants dated November 13, 1972, and duly recorded in the RMC Office for Charleston County in Book N100 at page 296, as amended by instrument recorded in Book Y110 at page 143 and Second Modification thereto dated March 26, 1985, and recorded in Book J 144 at page 67, Third Modification of Protective Covenants dated April 24, 1987, and recorded in the RMC Office for Charleston County in Book J 164 at page 487, and also Second Restated and Amended By-Laws dated October 18, 1984. and recorded in Book B141 at page 267, as amended by instrument dated March 26, 1985, and recorded in the RMC Office for Charleston County in Book J 144 at page 59, Third Restated and Amended By-Laws of The Seabrook Island Property Owners Association dated August 1, 1989, and recorded in Book L 186, page 718 and Restatement and Fourth Modification of Protective Covenants for Seabrook Island Development dated August 1, 1989, and recorded in Book L 186 at page 697, Charleston County RMC Office and any easements of record.

THIS BEING the same property conveyed to Joan I. Haugaard herein by Deed of Daniel T. Gulbrandsen, dated August 29, 1997 recorded in Book H289 at page 646 in the aforesaid RMC Office. Joan Haugaard died on April 15, 2019 and her estate is being probated in the Probate Court for Charleston, County, SC at No 2019ES1001349.

TMS # 147-08-00-082

ADDRESS OF GRANTEES: 160 Cabell Way, Charlotte, NC 28211
TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Robert S. Newman and Katherine H. Newman, their heirs and assigns forever.

AND the Estate does hereby bind itself to warrant and forever defend, all and singular, the said Premises unto the said Robert S. Newman and Katherine H. Newman and their heirs and assigns, against the Estate and its representatives, heirs, executors and administrators, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal this 27 day of September, 2019

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

WITNESSES

The Estate of Joan I. Haugaard

By: Dan Haugaard, Executor/Personal Representative

****

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY APPEARED before me the undersigned witness and made oath that (s)he saw the within named Estate by its Personal Representative Dan Haugaard, sign, seal and as its act and deed, deliver the within written Deed, and that (s)he with the other witness witnessed the execution thereof.

(witness)

SWORN to before me this 27th day of September, 2019

(SEAL)

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 1-17-2027
STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The property being transferred is located at 2750 Gnarled Pine, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 147-08-00-082. was transferred by The Estate of Joan I. Haugaard by Dan Haugaard, Executor/Personal Representative to Robert S. Newman and Katherine H. Newman on September 27, 2019.

3. Check one of the following: The deed is

   (a) X  subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   (b)___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
   (c)___ exempt from the deed recording fee because (See Information section of affidavit): ______________ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit):

   (a) X  The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $445,000.00
   (b)___ The fee is computed on the fair market value of the realty which is $___________.
   (c)___ The fee is computed on the fair market value of the realty as established for property tax purposes which is $___________.

5. Check YES ___ or NO X ___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If “Yes,” the amount of the outstanding balance of this lien or encumbrance is: ________________

6. The deed recording fee is computed as follows:

   (a) Place the amount listed in item 4 above here: $445,000.00
   (b) Place the amount listed in item 5 above here: ________________
      (If no amount is listed, place zero here.)
   (c) Subtract line 6(b) from Line 6(a) and place result here: $445,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: $1,646.50

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

   ________________________________
   Legal Representative

   BWSA BYARS & TAYLOR, LLC
   Print Name

Sworn to before me this 27 day of September 2019

Katherine Johnston
Notary Public
My Commission Expires: __________
RECORDED'S PAGE

NOTE: This page MUST remain with the original document

Filed By:
BUIST BYARS & TAYLOR, LLC
FRESHFIELDS VILLAGE
130 GARDNER'S CR PMB 138
JOHNS ISLAND SC 29455 (BOX)

MAKER:
HAUGAARD JOAN I EST

RECIPIENT:
NEWMAN ROBERT S AL

Original Book: 
Original Page:

AUDITOR STAMP HERE
RECEIVED From ROD
Oct 16, 2019
Peter J. Tacklenburg
Charleston County Auditor

RECORDED

Date: October 3, 2019
Time: 3:12:12 PM

Book  Page  DocType
0827  148  Deed

Michael Miller, Register
Charleston County, SC

# of Pages: 4
Recording Fee $15.00
State Fee $1,157.00
County Fee $489.50
Extra Pages $-
Postage $-
Chattel $-
TOTAL $1,681.50

DRAWER CLERK
Drawer 3 ECP

843-958-4800  101 MEETING STREET   CHARLESTON, SC 29401   www.charlestoncounty.org
ATTACHMENT #10

Property Information Card
**Property Information**

<table>
<thead>
<tr>
<th>Property ID</th>
<th>1470800082</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Address</td>
<td>2750 GNARLED PINE</td>
</tr>
<tr>
<td>Property Class</td>
<td>101 - RESID-SFR</td>
</tr>
<tr>
<td>Plat Book/Page</td>
<td>/</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>111403 AD03 Chateau by the Greens</td>
</tr>
<tr>
<td>Deed Acres</td>
<td>0.0000</td>
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</table>

**Legal Description**

Subdivision Name - SEABROOK ISLAND Description - LT 12 BLK 9  
PlatSuffix AE-48 PoTwp 009

**Sales History**

<table>
<thead>
<tr>
<th>Book</th>
<th>Page</th>
<th>Date</th>
<th>Grantor</th>
<th>Grantee</th>
<th>Type</th>
<th>Deed</th>
<th>Deed Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>0827</td>
<td>148</td>
<td>9/27/2019</td>
<td>HAUGAARD JOAN I</td>
<td>NEWMAN ROBERT S</td>
<td>S</td>
<td>Ge</td>
<td>$445,000</td>
</tr>
<tr>
<td>H289</td>
<td>645</td>
<td>8/29/1997</td>
<td>GULBRANSEN WILLIAM H</td>
<td>HAUGAARD JOAN I</td>
<td>Ge</td>
<td></td>
<td>$235,000</td>
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<tr>
<td>F215</td>
<td>340</td>
<td>6/19/1992</td>
<td>MOORESIDE CAROLYN K</td>
<td>GULBRANSEN WILLIAM H</td>
<td>Ge</td>
<td></td>
<td>$167,000</td>
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<tr>
<td>Y181</td>
<td>039</td>
<td>3/18/1989</td>
<td>MOORESIDE CAROLYN K</td>
<td></td>
<td>Ge</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>
PIN: 1470800082

This data is as-of 04-09-2020

The information on this page is for Tax Year 2019 and reflects the status of the property for that tax year. This includes building information, values and information on exemptions, discounts and special assessments. Any changes for Tax Year 2020 will not be displayed until later in 2020.

Value Info

<table>
<thead>
<tr>
<th>Legal Residence</th>
<th>LR Pct</th>
<th>AgUse</th>
<th>ATI 25Pct Exemption</th>
<th>Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>100</td>
<td>N</td>
<td>N</td>
<td>$12,450</td>
</tr>
</tbody>
</table>

| Market Value    | $155,271 | $206,100 | $361,371 |
| Capped Value *  | $155,271 | $206,100 | $361,371 |
| Taxable/Use Value ** | $155,271 | $206,100 | $361,371 |

Value History

<table>
<thead>
<tr>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Value</td>
<td>$361,371</td>
<td>$361,371</td>
<td>$361,371</td>
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<tr>
<td>Capped Value *</td>
<td>$361,371</td>
<td>$361,371</td>
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<tr>
<td>Taxable/Use Value **</td>
<td>$361,371</td>
<td>$361,371</td>
<td>$361,371</td>
</tr>
<tr>
<td>Assessed Value</td>
<td>$12,450</td>
<td>$12,450</td>
<td>$12,450</td>
</tr>
</tbody>
</table>

* Capped Value: At County-wide reassessments the increase in the value of a property for tax purposes is limited (capped) at no more than 15%.

** Taxable/Use Value: The Capped Value and Taxable/Use Value are usually the same. If the property has been approved for Agricultural Use the values will be different.

Dwelling Info

<table>
<thead>
<tr>
<th>Extension</th>
<th>House Type</th>
<th>Year Built</th>
<th>Total Finished Living Area</th>
<th>Bedroom Count</th>
<th>Full Bath Count</th>
<th>Half Bath Count</th>
<th>Total Stories</th>
</tr>
</thead>
<tbody>
<tr>
<td>R01</td>
<td>21 1.5 Stories</td>
<td>1979</td>
<td>2342</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

Additional Improvements

No data available
Sketches

R01

Municipalities
City of Charleston
City of Folly Beach
City of North Charleston
City of Isle of Palms

Additional Resources
Arts & Entertainment
CARTA Transit System
Sex Offenders
Search
Identity Theft Info
Traffic Cam

Social Media

https://www.charlestoncounty.org/assessorsearch.php?s=1470800082
Public Hearing Notice:
Letter to Neighboring Property Owners
Dear Property Owner,

The purpose of this letter is to notify you that the owners of 2750 GNARLED PINE have requested a VARIANCE from the zoning requirements of the Town’s Development Standards Ordinance (DSO). The purpose of the variance request is TO ALLOW A PROPOSED DECK EXTENSION TO ENCROACH APPROXIMATELY 11 FEET INTO THE REQUIRED 15-FOOT REAR YARD SETBACK. A copy of the variance application is enclosed for your information.

The Town’s Board of Zoning Appeals has scheduled a VIRTUAL PUBLIC HEARING, during which time the Board will receive testimony from any individual who wishes to provide a comment regarding the variance request. This notification is being provided to you pursuant to Section § 19.30.20.30 of the DSO.

PUBLIC HEARING DATE: Wed. August 26, 2020
PUBLIC HEARING TIME: 2:30 PM
PUBLIC HEARING LOCATION: Live Stream on Town YouTube Page
https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg

Individuals who wish to submit a public comment on the variance request may do so in writing by 12:00 pm on Tues. August 25, 2020, using one of the following options:

ONLINE: www.townofseabrookisland.org/variance-166.html
BY E-MAIL: jcronin@townofseabrookisland.org
BY MAIL: Town of Seabrook Island, Attn: Zoning Administrator
2001 Seabrook Island Road, Seabrook Island, SC 29455

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

Sincerely,

Joseph M. Cronin
Town Administrator/Zoning Administrator
Public Hearing Notice:
List of Neighboring Property Owners
## Variance Notification List

### 2750 Gnarled Pine

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Owner(s) of Record</th>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>2730 Gnarled Pine</td>
<td>Robert &amp; Cheryl Schuld</td>
<td>1117 Ashland Ave</td>
<td>Wilmette</td>
<td>IL</td>
<td>60091</td>
</tr>
<tr>
<td>2740 Gnarled Pine</td>
<td>Jeffrey &amp; Kathryn Noel</td>
<td>2740 Gnarled Pine</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
</tr>
<tr>
<td>2705 Gnarled Pine</td>
<td>Michelle Diaz-Kotti</td>
<td>166 Timberleaf Dr</td>
<td>Duncan</td>
<td>SC</td>
<td>29334</td>
</tr>
<tr>
<td>2715 Gnarled Pine</td>
<td>Christopher &amp; Dorothy Horn</td>
<td>1538 Worthy Ct</td>
<td>Belmont</td>
<td>NC</td>
<td>28012</td>
</tr>
<tr>
<td>2700 Seabrook Island Road</td>
<td>Paul &amp; Lori Porwoll Living Trust</td>
<td>4457 Hope Plantation Dr</td>
<td>Johns Island</td>
<td>SC</td>
<td>29455</td>
</tr>
<tr>
<td>2704 Seabrook Island Road</td>
<td>Tina Kingsbury</td>
<td>1109 Lodge Hill Rd</td>
<td>Louisville</td>
<td>KY</td>
<td>40223</td>
</tr>
<tr>
<td>2708 Seabrook Island Road</td>
<td>Edmond &amp; Lauri Baddour</td>
<td>4734 Maple Brook</td>
<td>Marietta</td>
<td>GA</td>
<td>30067</td>
</tr>
<tr>
<td>2712 Seabrook Island Road</td>
<td>Weissman Family Trust</td>
<td>2712 Seabrook Island Road</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
</tr>
<tr>
<td>2875 Hidden Oak Drive</td>
<td>Scott &amp; Michelle Walker</td>
<td>1969 Cross Hwy</td>
<td>Fairfield</td>
<td>CT</td>
<td>6824</td>
</tr>
<tr>
<td>2877 Hidden Oak Drive</td>
<td>John &amp; Jeanne Kennedy</td>
<td>98 Wayside Inn Rd</td>
<td>Framingham</td>
<td>MA</td>
<td>01701</td>
</tr>
<tr>
<td>Golf Course</td>
<td>The Club at Seabrook Island</td>
<td>1002 Landfall Way</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
</tr>
<tr>
<td>Property Owners Association</td>
<td>Seabrook Island Property Owners Association</td>
<td>1202 Landfall Way</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
</tr>
</tbody>
</table>

| Regime                  | Not Applicable                     |
Public Hearing Notice:
U.S.P.S. Certified Mail Receipts
Public Hearing Notice:
Post & Courier Legal Ad
AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

appeared in the issues of said newspaper on the following day(s):

07/27/20 Mon PC
07/27/20 Mon CNW

at a cost of $221.00
Account# 108294
Order# 1886347
P.O. Number:

Subscribed and sworn to before me this 24th day of July, 2020

A.D. 2020

NOTARY PUBLIC, SC
My commission expires

NOTARY PUBLIC, SC
My commission expires
Public Hearing Notice:
Property Posting
NOTICE

Board of Zoning Appeals Public Hearing
August 26, 2020 @ 1:30 pm (CST/EDT)

PUBLIC COMMENTS INVITED

Property owner is seeking a variance to allow a proposed deck extension to encroach onto the yard area. Written comments may be submitted to the Planning and Zoning Department at the address below.

355 Landfall

55
ATTACHMENT #16

Letter from Sean Hardwick, Seabrook Island Club
(July 13, 2020)
Dear Sean,

Thanks so much for meeting at my house the other day. I had you there to discuss whether or not there is any impediment to the golf course or the member golfers by my project on the golf course (left of 16\textsuperscript{th} green on Crooked Oaks) and request for a variance. It is important to me, as a member, as well as, the Town of Seabrook, that my variance request is something that the Golf Club and you by proxy are comfortable. My yard is and as you saw, uniquely close to the property line. That said, it is also a ways from the golf course. As it is unique, my back yard is in need of maintaining; however, it is also uniquely symbiotic with the golf course. Thank you for allowing and agreeing with me that some grass and clean up would give the water something to nourish. I also will take you up on your suggesting that you have your guys clean out some of the brush in the expanse between my hopeful new porch and your waste area for the 16\textsuperscript{th} hole. This request in no way will harm the surrounding neighbors, golf course or Seabrook Island community, and without the variance I cannot truly be in my backyard and enjoy it.

If you will please attest to my thoughts here and allow me to forward this on to the Town of Seabrook and Joe Cronin, I would appreciate it. Please attest at the bottom.

Sincerely,

Robert S. Newman, 2750 Gnarled Pine

Attestation: Sean Hardwick.

I approve on behalf of the Seabrook Island Club.
TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Application # 167 – 2913 Deer Point Drive
MEETING DATE: August 26, 2020

Variance Application #167

<table>
<thead>
<tr>
<th>Applicants:</th>
<th>Eric and Elizabeth Bryan (Owners)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Malcolm Brennan, M. Brennan Architects (Applicant)</td>
</tr>
<tr>
<td>Location:</td>
<td>2913 Deer Point Drive</td>
</tr>
<tr>
<td>Tax Map Number:</td>
<td>149-14-00-029</td>
</tr>
<tr>
<td>Zoning District:</td>
<td>SR Single-Family Residential</td>
</tr>
<tr>
<td>Purpose:</td>
<td>To allow a proposed swimming pool to encroach approximately 6.5 feet into the required 25-foot setback from the OCRM critical line (marsh)</td>
</tr>
</tbody>
</table>

Overview

The Town has received a variance application from Eric and Elizabeth Bryan, the owners of Charleston County Tax Map # 149-14-00-029, as well as their architect, Malcolm Brennan of M. Brennan Architects (collectively, the “Applicants”). The Applicants are requesting a reduction in the marsh setback requirement to allow a proposed swimming pool to encroach approximately 6.5 feet into the required 25-foot marsh setback. The property is located at 2913 Deer Point Drive (Block 49, Lot 15).

According to Charleston County tax records, the existing home was completed in 2003. Mr. and Mrs. Bryan purchased the property in June of 2017.

The DSO requires a minimum marsh setback of 25 feet from the OCRM critical line for any structures, excluding open decks which may be 15 feet from the critical line. The proposed swimming pool will be set within a permeable surface. Both the permeable surface and wooden decking will meet the 15-foot setback requirement for open decks. However, the pool itself, which is classified under the DSO as a “structure,” would encroach approximately 6.5 feet into the required 25-foot setback for all other structures.

Code Reference:

a. § 2.10(nnn). Definitions—Structure. Anything or part thereof constructed, erected, or established, including but not limited to the following: buildings, signs, sea walls, fences, screen enclosures, and patio walls, swimming pools and tennis courts.
b. **§ 7.60.50. Marsh Setbacks.** The minimum setback for a *structure*, exclusive of open decks, on a lot abutting the marsh shall be twenty-five (25) feet from the South Carolina Ocean and Coastal Resource Management critical area or the lot line, whichever is landward. No part of an *open deck* shall be closer than fifteen (15) feet from the critical area.

The property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right.

The existing home encroaches into both the 30-foot front yard setback and the 25-foot rear yard setback. When the home was permitted in 2002, the property owners at the time sought (and received) a variance from the Board of Zoning Appeals to allow these encroachments. Therefore, while the home is non-conforming, it is **legally non-conforming.** (See Attachment 16 for documents related to Variance #128, which was approved on April 25, 2002.) It may also be noted that the proposed pool will be located 18’ 7” from the OCRM critical line, which is further from the marsh than the closest point of the existing dwelling (18’ 4”).

In order to allow for construction of the proposed swimming pool, the Applicants are requesting the following variance from the requirements of the DSO:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>VARIANCE (REQUESTED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsh Setback (Structures, Excluding Open Decks)</td>
<td>25 feet ($§ 7.60.50$)</td>
<td>Reduce the marsh setback from 25 feet to approximately 18.5 feet (6.5-foot encroachment)</td>
</tr>
</tbody>
</table>

In their application, the Applicants are requesting relief from the rear yard setback requirement for the following reasons:

a) The existing home was built by a previous owner and in a manner that would not allow a swimming pool to be added in another location on the lot;

b) The home’s unique shape and narrowness of the lot, the proximity of the marsh, the home’s placement on the lot, and the configuration of the existing home creates a specific hardship that is not found on neighboring properties.

c) Strict application of the ordinance would restrict the homeowners’ ability to utilize their property for the recreational and therapeutic purposes that other properties are able to utilize; and

d) Granting a variance will permit the homeowners to enjoy the same amenities which other property owners enjoy. The portion of the swimming pool encroaching on the 25’ setback will be less than 36” above grade, which is as allowed by SIPOA to be 15 feet from the marsh. The swimming pool will be surrounded by permeable decking and will be visually screened from adjacent homes.
The Applicants also noted in their application that the request is “very similar to the Feb. 28, 2019 Variance #159 approved for 2566 Seabrook Island Road.” (See Attachment 17 for documents related to Variance #159, which was approved on March 22, 2019.) Staff would also note that while there are similarities between the two requests, the approval of a variance for one property does not establish a precedent for other properties. The Board must consider the conditions applicable to each individual property when determining whether a variance request meets the four statutory criteria required by state law.

Staff Comments

As a matter of practice, the town’s Zoning Administrator does not typically provide a recommendation in favor of, or in opposition to, a variance application. In our opinion, these requests are best left to the Board of Zoning Appeals following a thorough review of the relevant facts, including the receipt of testimony from interested parties during the required public hearing.

In granting a variance, state law permits the Board of Zoning Appeals to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Should the Board vote to approve the variance request, staff would recommend in favor of attaching the following conditions:

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on August 26, 2020. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.

- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final building inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.

- The variance shall expire on August 26, 2022 (two years from the date of approval) if the Applicants fail to obtain a building permit on or before that date.

Respectfully submitted,

[Signature]
Joseph M. Cronin
Town Administrator/Zoning Administrator
Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;

(b) these **conditions do not generally apply to other property** in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and

(d) the authorization of a variance **will not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
Attachments

The following supplemental items have been attached for review:

<table>
<thead>
<tr>
<th>Application &amp; Property Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Variance Application</td>
<td>p. 64-72</td>
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<td>p. 73-74</td>
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<td><strong>3</strong> Site Plan &amp; Architectural Drawings</td>
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<td><strong>6</strong> Zoning Map</td>
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<td><strong>7</strong> Aerial Images</td>
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<td><strong>8</strong> FEMA Base Flood Elevations (Current &amp; Preliminary)</td>
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<td><strong>10</strong> Property Information Card</td>
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<td><strong>11</strong> Public Hearing Notice – Letter to Neighboring Property Owners</td>
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<td><strong>13</strong> Public Hearing Notice – U.S.P.S. Certified Mail Receipts</td>
<td>p. 123-124</td>
</tr>
<tr>
<td><strong>14</strong> Public Hearing Notice – Post and Courier Legal Ad</td>
<td>p. 125-126</td>
</tr>
<tr>
<td><strong>15</strong> Public Hearing Notice – Property Posting</td>
<td>p. 127-128</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>16</strong> Variance #128: 2913 Deer Point Drive (Approved April 25, 2002)</td>
<td>p. 129-141</td>
</tr>
<tr>
<td><strong>17</strong> Variance #159: 2566 Seabrook Island Road (Approved March 22, 2019)</td>
<td>p. 142-164</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Written Correspondence Regarding the Proposed Variance Request</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18</strong></td>
<td></td>
</tr>
<tr>
<td>a) Letter from David &amp; Susan Whitehouse (July 31, 2020)</td>
<td>p. 165-166</td>
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<tr>
<td>b) Letter from Katrina Burrell, SIPOA (August 4, 2020)</td>
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<tr>
<td>d) Letter from Steve Berry (August 6, 2020)</td>
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<td>e) Correspondence with Tad Dickson (August 11, 2020)</td>
<td>p. 173-176</td>
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<td>f) Letter from Pamela &amp; David Parrot (August 15, 2020)</td>
<td>p. 177-178</td>
</tr>
<tr>
<td>g) Letter from Leo Marien (August 17, 2020)</td>
<td>p. 179-180</td>
</tr>
</tbody>
</table>
ATTACHMENT #1

Variance Application
Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a $150.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

1. PROPERTY INFORMATION

Please provide information regarding the property which is subject to the variance request.

Property Address 2913 Deer Point Drive
Tax Map Number 149-14-00-029
Lot Size (Square Feet) 0.28 Acres = 12,196.8 sf.

Is this property subject to an ORCM critical line? (e.g. Marsh or Beachfront Lots) Yes No
Is this property subject to private restrictions or covenants? (e.g. SIPOA or regime) Yes No

2. APPLICANT(S)

Please provide information regarding the individual(s) who is (are) submitting the variance request.

Applicant Name(s) Malcolm Brennan
Applicant Address 113 Wappoo Creek Drive, Suite 4, Charleston, SC 29412
Applicant Phone Number 843-406-7813
Applicant Email Address mbrennanarchitects.com
If the Applicant is NOT an owner of the property, what is the relationship to the Property Owner(s)? Architect

3. PROPERTY OWNER(S)

If the Applicant(s) is (are) NOT the property owner(s), please provide information for the property owner(s).

Owner Name(s) Eric and Elizabeth Bryan
Owner Mailing Address 2913 Deer Point Drive
Owner Phone Number 479-263-1815
Owner Email Address mbryan14@cox.net

**Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner):** I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.

Owner Signature(s) ____________________________ Date 7/22/2020

4. CERTIFICATION

Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge.

Applicant Signature(s) ____________________________ Date 7-30-20

OFFICE USE ONLY

Date Filed: Variance Application #: Hearing Date:

Variance Application (Rev. 07/2019)
5. VARIANCE REQUEST

A. Please provide a brief description of the proposed scope of work:

Modify existing porch and construct new decking to accommodate new swimming pool, outdoor kitchen, and fire pit as shown.

B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town’s DSO:

1) DSO Section Reference(s):
   - Section 7.60.50 & 2.10

2) DSO Requirement(s):
   - Owner requests relief of 25' setback requirements for a new swimming pool to be constructed less than 3' above grade.

C. The application of the zoning requirements of the town’s DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

   This home was built by a previous Owner and in a manner that would not allow these features to be added in another location on the lot.

2) These conditions do not generally apply to other property in the vicinity as shown by:

   The unique shape and narrowness of the lot, the proximity of the marsh, the homes placement on the lot, and the configuration of the existing home creates a specific hardship that is not found on neighboring properties.

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

   The strict application of the ordinance would restrict the homeowners ability to utilize their property for the recreational and therapeutic purposes that other properties are able to utilize.

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

   Granting the variance will permit the homeowner to enjoy the same amenities which other property owners enjoy. The portion of the swimming pool encroaching on the 25' setback will be less than 36” above grade as is permitted by the SIPOA (Table 1). It will be surrounded by permeable decks and will be visually screened from the adjacent homes.
6. APPLICATION MATERIALS

In addition to the completed Variance Application Form, all requests for variance must be accompanied by the supplemental materials listed below. An application is not considered “complete” until all required documentation has been received by the Zoning Administrator. Below is a checklist of the required materials:

- **Completed & Signed Variance Application Form (Paper Required; PDF Optional)**
  - Please submit one completed paper application. All signatures must be original.

- **$150.00 Application Fee**
  - The application fee may be paid by cash or check only.

- **As-Built Survey / Survey of Existing Conditions (Paper Required; PDF Optional)**
  - All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.

- **Proposed Site Plan (Paper & PDF Required)**
  - Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
  - For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.

- **Scaled Architectural Drawings: (Paper & PDF Required)**
  - Required for all new structures and/or exterior modifications to existing structures.
  - Architectural drawings must show, at a minimum:
    - A detailed floor plan or plan view; and
    - Front, side and rear elevations, as appropriate.

- **Letter of Approval from Property Owners Association and/or Regime: (Paper Required; PDF Optional)**
  - Required for all properties which are subject to private restrictions and/or covenants.
  - If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.

- **Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required. (Paper & Digital Files Optional)**

CRITERIA FOR REVIEW

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
July 21, 2020
Joe Cronin
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455

Reference: Bryan Renovation
2913 Deer Point Drive
Seabrook Island, South Carolina 29455

Dear Mr. Cronin,

The attached Drawings indicate the proposed improvements, which the Owners would like to undertake. The primary exterior improvements include:

1. A new deck to be constructed on the north east corner of the existing home between the north and east porches.
2. A new dipping pool and outdoor kitchen to be built into the first floor level of the existing east porch.
3. A new stair and swimming pool that is less than 36” above the grade.
4. A new fire pit deck addition adjacent to the pool.
5. An outdoor shower is planned under the new stair.

For reference purposes, several photographs of the existing home have been included with this letter.

As we discussed, the DSO permits permeable decks to be constructed up to 15’ from the OCRM line, but pools must be setback more than 25’ from the OCRM line. However Table 1 of the SIPOA Policies and Procedures allows swimming pools less than 36” above grade to be constructed up to 15’ from the OCRM Line. See attached excerpt from the SIPOA Policies and Procedures Manual on page 2 of this letter.

Also please note that our request is very similar to the Feb. 28, 2019 Variance #159 approved for 2566 Seabrook Island Road.

The SIPOA policy presents an opportunity for us to meet the Owner’s needs, on this unique site, with a graceful, terracing design, that is visually less obtrusive than the DSO would otherwise allow. Therefore we are seeking relief from the 25’ pool setback requirement. Thank you for considering this request.

Sincerely,

Malcolm Brennan

M. Brennan Architects, Inc.
b. Setback Requirements:

Table 1 on the next page provides the setbacks that establish the buildable area for single-family lots. This information shall be addressed as a part of the Conceptual Design Review submittal.

Table 1 - Lot Setback Requirements

<table>
<thead>
<tr>
<th>Lot Area in square feet:</th>
<th>Conforming</th>
<th>Non-Conforming</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Use land area above jurisdictional wetlands and OCRM critical line)</td>
<td>17,500 or over</td>
<td>13,500 - 13,749</td>
</tr>
<tr>
<td>Front/insteside property line</td>
<td>30'</td>
<td>30'</td>
</tr>
<tr>
<td>Side property line (see * below):</td>
<td>15'</td>
<td>12'</td>
</tr>
<tr>
<td>&quot;Improvement other than landscape, driveways, walkways and guest parking as described below, allowed within the side setbacks)</td>
<td>25'</td>
<td>25'</td>
</tr>
<tr>
<td>Rear property line:</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>&quot;Covered or screened decks and porches at or below the first inhabitable floor, second floor, porches, pools elevated above 3', see &quot; below)</td>
<td>5'</td>
<td>3'</td>
</tr>
<tr>
<td>Oceanfront Lot Setbacks:</td>
<td>3'</td>
<td>3'</td>
</tr>
</tbody>
</table>

* Marsh front lots are measured from the more landward of the current certified DHEC-OCRM critical line or Property line. (See §7 of Town Development Standards Ordinance.)

** Open and uncovered porches/decks which are at or below the first inhabitable floor elevation require 15' setbacks. Screened porches, covered porches/decks and open decks with elements which extend above railing height and/or with solid walls which are intended to be railings or visual screens, decks, or porches above elevated lower level decks/porches, or which are located above the first inhabitable floor elevation, are not permitted in areas defined by the deck setbacks. Examples of elements extending above railing height include but are not necessarily limited to: arbors, awnings, outdoor fireplace chimney structures, or any other elements the ARC at its discretion determines are inappropriate for open deck structures that are located within the first level deck buildable area as defined by the deck setbacks. The intent is to create uncovered decks with open railings at or below the first floor of the house, within the buildable area for decks as defined by the deck setback. See Appendix M-Deck Setback Exhibit Drawing.
North West (Rear) View

West (Rear) Porch View
South West (Rear) View
ATTACHMENT #2

Survey (Existing Conditions)
O.C.R.M. STATEMENT

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHECC-GCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT To CHANGE OVER TIME, BY UTILIZING THE PERMIT AUTHORITY OF SCDHECC-GCRM, THE AREA SHOWN HEREON CAN BE CHANGED OVER TIME.

CERTIFICATIONS

1. I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN S.C. AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 1 SURVEY AS SPECIFIED HEREIN.

2. I CERTIFY THAT THE PROPERTY SHOWN HEREON IS IN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO F.E.M.A. FLOOD HAZARD BOUNDARY MAPS.

NOTES

1. REF. : PLAT BOOK 85, PAGE 25.
2. PREVIOUSLY OWNED BY ERIC M. BYRN
3. T.R.M.C. NO. 149-14-30-029
4. THE ADDRESS IS 2013 DEER POINT DRIVE
5. AREA = 0.28 ACRES

PLAT
LOT 15, BLOCK 49,
TOWN OF SEABROOK ISLAND.
CHARLESTON COUNTY
SOUTH CAROLINA

SCALE: 1" = 30'
DATE: MAY 20, 2020

ANDERSON & ASSOCIATES
LAND SURVEYING AND PLANNING, INC.
P.O. BOX 87, JOHN'S ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA 29457
PHONE: (843)257-5960

DRAWING NO. 9179
ATTACHMENT #3

Site Plan & Architectural Drawings
### Preliminary Estimating Form

**Part 1**

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- All labor, equipment, and materials shall be included in the rates.
- Labor rates are based on a standard work week.
- Equipment rates are based on the latest equipment depreciation tables.
- Material costs are based on the latest material prices.

---

### Additional Notes

- All rates are subject to change without notice.
- Final rates will be determined after the project is completed.
- Any disputes shall be resolved through arbitration.

---

**End of Preliminary Estimating Form**
ATTACHMENT #4

Subdivision Plat (1985)
NOTICE:
ALL STREETS AND EASEMENTS SHOWN ON THIS PLAT ARE PRIVATE AND ARE TO BE MAINTAINED BY SEABROOK ISLAND COMPANY, ITS SUCCESSORS OR ASSIGNS.

SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

PLAT OF LOTS 5-21 BLOCK 49

SCALE: 1" = 100' SEPTEMBER 16, 1982
REVISED JAN (4), 1983

EM SEABROOK, JR., INC.
ENGINEERS SURVEYORS PLANNERS
ATTACHMENT #5

Property Photos
ATTACHMENT #6

Zoning Map
2913 Deer Point Drive

Parcel ID: 1491400029
OWNER1: BRYAN ERIC M
PLAT BOOK PAGE: BD-25
DEED BOOK PAGE: 0649-691
Jurisdiction: TOWN OF SEABROOK
ISLAND

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.
ATTACHMENT #8

FEMA Base Flood Elevations
(Current & Preliminary)
FEMA Base Flood Elevation (Current)
AE-13

FEMA Base Flood Elevation (Effective 01/29/2021)
AE-12
ATTACHMENT #9

Title to Real Estate
KNOW ALL MEN BY THESE PRESENTS, that Rome H. Walker and Ann Walker ("Grantor"), in the State aforesaid, for/and in consideration of the sum of ONE MILLION THREE HUNDRED SIXTY NINE THOUSAND AND 00/100 DOLLARS ($1,369,000.00), to us in hand paid at and before the sealing of these Presents by Eric M. Bryan and Elizabeth H. Bryan, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Eric M. Bryan and Elizabeth H. Bryan as joint tenants with right of survivorship and not as tenants in common, the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREFIELD FOR LEGAL DESCRIPTION.

TMS Number: 149-14-00-029

Address of Grantee(s):
107 N. Olive Avenue
Fayettesville, AR 72701

This is the same property conveyed to Grantor by deed from Dudley N. Carpenter and Jane G. Carpenter and recorded July 5, 2007 in Book F631, page 161, Charleston County Recording Office.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Eric M. Bryan and Elizabeth H. Bryan as joint tenants with right of survivorship and not as tenants in common, their heirs and assigns, forever.

AND subject to the exceptions set forth above, Grantor do bind myself/ourselves and our heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said Eric M. Bryan and Elizabeth H. Bryan, their heirs and assigns, against us and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.
WITNESS our hand and seal this 15th day of June, in the year of our Lord Two Thousand Seventeen and in the Two Hundred and Forty-First year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness #1

Witness #2

Rome H. Walker
Ann Walker

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

The foregoing instrument was acknowledged before me by Rome H. Walker and Ann Walker, this 15th day of June, 2017.

(SEAL)

Notary Public for South Carolina
My commission expires:

KRISTIN M. BRADSHAW
Notary Public, South Carolina
My Commission Expires
August 19, 2024
EXHIBIT A

ALL that certain lot, piece or parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as LOT 15, BLOCK 49, on a plat by E.M. Seabrook, Jr., CE & LS, dated September 16, 1982, revised January 14, 1985, and recorded in the Charleston County RMC Office in Plat Book BD, Page 25.

Said lot having the size, shape, dimensions, buttins and boundings, more or less, as are shown on said plat, which is specifically incorporated herein by reference.

THIS CONVEYANCE IS SUBJECT TO the Covenants, Conditions, Restrictions, Limitations, Affirmative Obligations and Easements of record and more particularly set forth in instruments duly recorded in the RMC Office for Charleston County, as follows: Book N-100, at Page 296; as amended by instrument recorded in Book Y-110, at Page 143; and Second Modification thereto dated March 26, 1985 and recorded in Book J-144, at Page 67; Third Modification of Protective Covenants dated April 24, 1987 and recorded in Book J-164, at Page 497; Also, Second restated and amended By Laws dated October 18, 1984 and recorded in Book B-141, at Page 267; as amended by instrument dated March 26, 1985 and recorded in Book J-144, at Page 59; Third Restated and Amended By-Laws of the Seabrook Island Property Owners Association, dated August 1, 1989, and recorded in the RMC Office for Charleston County in Book L-186, Page 718; and Amendment filed in Book K215, Page 001; Restatement and Fourth Modification of Protective Covenants for Seabrook Island Development, dated August 1, 1989, and recorded in the Charleston County RMC Office in Book L-186, Page 697; Restatement and Fifth Modification recorded in Book K-215, Page 23.

FURTHER THIS CONVEYANCE IS MADE SUBJECT TO the restriction that all dwelling units must be constructed within the dashed line as shown on the reference plat, provided there building zoning lines may be adjusted by the Seabrook Island Board of Architectural Review if it finds the natural site features so require.

FURTHER THIS CONVEYANCE IS MADE SUBJECT TO the provision that all dwelling units constructed on the lots shown on the reference plat must have at least 1,800 square feet of heated floor area and that no garage door shall directly face the main street, and that the driveways shall be exposed aggregate concrete.

FURTHER, THIS CONVEYANCE IS SUBJECT TO all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:
1. I have read the information on this Affidavit and I understand such information.

2. The property being transferred is located at 2913 Deer Point Drive, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-14-00-029, was transferred by Rome H. Walker and Ann Walker to Eric M. Bryan and Elizabeth H. Bryan on June 28, 2017.

3. Check one of the following: The deed is
   (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   (b) ______ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
   (c) ______ exempt from the deed recording fee because (See Information section of affidavit): ____________ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

   If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit):
   (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $1,369,000.00
   (b) _____ The fee is computed on the fair market value of the realty which is $______________.
   (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $______________

5. Check YES _____ or NO, X _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If “Yes,” the amount of the outstanding balance of this lien or encumbrance is: __________________________

6. The deed recording fee is computed as follows:
   (a) Place the amount listed in item 4 above here: 1,369,000.00
   (b) Place the amount listed in item 5 above here: __________________
   (If no amount is listed, place zero here.)
   (c) Subtract line 6(b) from Line 6(a) and place result here: 1,369,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: 5,065.30

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

_____________________________
Legal Representative
____________________________
Print Name

Sworn to before me this 28th day

____________________________
Notary Public for South Carolina
My Commission Expires: 9/1/2025
ATTACHMENT #10

Property Information Card
Property Information

**Current Owner:**
BRYAN ERIC M
BRYAN ELIZABETH H
2913 DEER POINT DR
JOHNS ISLAND SC 29455

**Property ID:**
1491400029

**Physical Address:**
2913 DEER POINT DR

**Property Class:**
101 - RESID-SFR

**Plat Book/Page:**
/

**Neighborhood:**
111404 AD04 Marsh Haven, Deer Point

**Deed Acres:**
0.0000

**Legal Description**
Subdivision Name -PART SEABROOK ISLAND Description -LOT 15 BLK 49
PlatSufflix BD-25 PolTwp 009

Sales History

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This data is as-of 04-09-2020

The information on this page is for Tax Year 2019 and reflects the status of the property for that tax year. This includes building information, values and information on exemptions, discounts and special assessments. Any changes for Tax Year 2020 will not be displayed until later in 2020.

Value Info

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<td>Taxable/Use Value **</td>
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* Capped Value: At County-wide reassessments the increase in the value of a property for tax purposes is limited (capped) at no more than 15%.

** Taxable/Use Value: The Capped Value and Taxable/Use Value are usually the same. If the property has been approved for Agricultural Use the values will be different.

Dwelling Info

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Additional Improvements

No data available
Town of Awendaw
Town of Hollywood
Town of James Island
Town of Kiawah Island
Town of Lincolnville
Town of McClellanville
Town of Meggett
Town of Mount Pleasant
Town of Ravenel
Town of Rockville
Town of Seabrook Island
Town of Sullivan's Island

County Library
County Parks
Transportation
Sales Tax
School District
Charleston
Community Guide

Make-A-Wish Car
Donation
United Way 24hr hotline
Visitor Information

E-mail your comments or questions about this site to publicinfo@charlestoncounty.org
Report technical problems with this site to webmaster@charlestoncounty.org

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ATTACHMENT #11

Public Hearing Notice:
Letter to Neighboring Property Owners
TO: Neighboring Property Owners  
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator  
SUBJECT: Variance Request for 2913 Deer Point Drive (Variance #167)  
DATE: July 22, 2020  

Dear Property Owner,

The purpose of this letter is to notify you that the owners of 2913 DEER POINT DRIVE have requested a VARIANCE from the zoning requirements of the Town’s Development Standards Ordinance (DSO). The purpose of the variance request is TO ALLOW A PROPOSED POOL TO ENCROACH APPROXIMATELY 6.5 FEET INTO THE REQUIRED 25-FOOT SETBACK FROM THE OCRM CRITICAL LINE (MARSH). A copy of the variance application is enclosed for your information.

The Town’s Board of Zoning Appeals has scheduled a VIRTUAL PUBLIC HEARING, during which time the Board will receive testimony from any individual who wishes to provide a comment regarding the variance request. This notification is being provided to you pursuant to Section § 19.30.20.30 of the DSO.

PUBLIC HEARING DATE: Wed. August 26, 2020  
PUBLIC HEARING TIME: 2:30 PM  
PUBLIC HEARING LOCATION: Live Stream on Town YouTube Page  
https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg

Individuals who wish to submit a public comment on the variance request may do so in writing by 12:00 pm on Tues. August 25, 2020, using one of the following options:

ONLINE: www.townofseabrookisland.org/variance-167.html
BY E-MAIL: jcronin@townofseabrookisland.org
BY MAIL: Town of Seabrook Island, Attn: Zoning Administrator  
2001 Seabrook Island Road, Seabrook Island, SC 29455

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

Sincerely,

Joseph M. Cronin  
Town Administrator/Zoning Administrator
Public Hearing Notice:
List of Neighboring Property Owners
# Variance Notification List

## 2913 Deer Point Drive

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Owner(s) of Record</th>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tr>
<td>2909 Deer Point Drive</td>
<td>Reves Revocable Trust</td>
<td>167 Rutledge Ave</td>
<td>Charleston</td>
<td>SC</td>
<td>29403</td>
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<td>2910 Deer Point Drive</td>
<td>Carl &amp; Simone Voelker</td>
<td>2910 Deer Point Dr</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
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<tr>
<td>2911 Deer Point Drive</td>
<td>Richard &amp; Patricia Dabrowski</td>
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<td>Seabrook Island</td>
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<td>Raleigh</td>
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<td>Thomas &amp; Cecilia Dickson</td>
<td>200 S College St Suite 1800</td>
<td>Charlotte</td>
<td>NC</td>
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**Regime**

*Not Applicable*

---

**Duplicate**

![Map of Seabrook Island Property Owners Association](image)

---

**122**
Public Hearing Notice:
U.S.P.S. Certified Mail Receipts
ATTACHMENT #14

Public Hearing Notice:
Post & Courier Legal Ad
AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

appeared in the issues of said newspaper on the following day(s):

07/27/20 Mon PC
07/27/20 Mon CNW

at a cost of $221.00
Account# 108294
Order# 1886347
P.O. Number:

Subscribed and sworn to before me this 21st day of

A.D. 2020

advertising clerk

NOTARY PUBLIC, SC
My commission expires 09/24/2023

TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND RD
JOHNS ISLAND SC 29455
Attn: Faye Albritten

TOWN OF SEABROOK ISLAND, SC
NOTICE OF PUBLIC HEARING

The Town of Seabrook Island Board of Zoning Appeals will conduct a Virtual Public Hearing at 5:00 p.m. on Wednesday, August 19, 2020. During the meeting, the board will consider the following requests for variances from the Development Standards Ordinance for the Town of Seabrook Island:

Application # 166
APPLICANT: Robert and Katherine Newman (Owners/Land
Ron Welch (Attorney))
LOCATION:
276 Granite Pines
TAX MAP #: 12-58-00-082
ZONING DISTRICT: SR
Single-Family Residential
VARIANCE(S) REQUESTED:
To allow a proposed dock extension to approach approximately 11 feet into the required 15-foot rear yard setback

Application # 167
APPLICANT: Elizabeth Bryan (Owners) and Malcolm Brosnan (Applicant)
LOCATION:
2312 Deer Field Drive
TAX MAP #: 10-W-00-009
ZONING DISTRICT: SR
Single-Family Residential
VARIANCE(S) REQUESTED:
To allow a proposed swimming pool to encroach approximately 4.5 feet into the required 25-foot setback from the OCEM official line (marin)

Application # 168
APPLICANT: Denise and William Speidel (Owners) and Outdoor Seating Design LLC (Applicant)
LOCATION:
2037 Seabrook Drives
TAX MAP #: 10-W-00-009
ZONING DISTRICT: SR
Single-Family Residential
VARIANCE(S) REQUESTED:
To allow a proposed retaining wall to encroach approximately 20 feet into the required 35-foot front yard setback and to allow terraces steps to encroach approximately 2 feet into the required 15-foot rear yard setback

Documents relating to the variance requests may be viewed on the Town's website at www.seabrookisland.org.

Individuals who wish to submit a public comment on the variance requests may do so by writing a to the Town Manager at 2500 Seabrook Island Road, Seabrook Island, SC 29455. The meeting will be live streamed on the town's YouTube channel at the following address: https://www.youtube.com/channel/UCUFR7Y1zHjihGDkzG9z

For more information, please call (843) 748-3911.
Public Hearing Notice:
Property Posting
ATTACHMENT #16

Variance #128: 2913 Deer Point Drive
(Approved April 25, 2002)
Town of Seabrook Island
Variance Application

Date: 1/23/2002    Variance #: 128
Prop Owner: Dudley N. Carpenter    Phone 804-378-963
Address: 11790 Edenberry Drive    City Richmond    State VA
Zip: 23236
Lot: 15    Fee: $25.00    Check #: 2309
Block: 49    Paid Date: 1/22/2002
TMS: 1491400029    Paid Amount: $25.00

Agenda Time: 3:00:00 PM    Agenda Date 3/28/2002
☑ Board of Zoning Appeals    ☐ Planning Commission

Variance- Describe (Note-Variance Application must be accompanied by a plat showing lot lines and encroachment)

To allow an encroachment into the rear setback from critical and the front setback as shown on site plan. Rear encroachment is maximum of ten (10) feet from critical line. Front is a maximum of nine (9) feet encroachment to the front property line.

Action
Taken:

Applicant

Zoning Administrator
Notice of Appeal – Form 1
Town of Seabrook Island / County of Charleston

Date Filed: __________ Permit Application #: __________ Appeal #: __________

Fee: 15.00 Dollars Fee Paid: ______ Check #: ______

Instructions

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s) all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

☐ From action of a zoning official as stated on attached form 2.
☐ For a variance as stated on attached form 3.
☐ For a special exception as stated on attached form 4.

Applicant (S) [print]:

Address: P.O. BOX 1408 JOHNS ISLAND S.C.
Telephone: 768-3600 [work] 768-3600 [home]
Interest: Architect Owner(s) Adjacent Owner(s); Other

Owner(s) [if other than Applicant(s)]: DUDLEY & JANE CARPENTER
Address: 1770 Edenbrey Dr. Richmond, VA 23236
Telephone: (804) 378-9636 [work] (804) 278-7849 [home]

[Use reverse side if more space is needed]

Property Address: 2913 DEER POINT
Lot 15 Block 49 Subdivision SEABROOK
Tax Map No. 149 14 00 029 Plat Book BD Page 25
Lot dimensions: 100.22 x 100.23 Lot Area Sq. Ft. 12,340 - 10287 HIGHLAND
Zoning District: 2013 MARCH

Designation of AGENT [complete only if owner is not applicant]:
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 1/5/2002 [Signature(s)]

I (we) certify that the information in this application and attached forms 2, 3 or 4 is correct.

Date: 2/25/2002 Applicant signature(s)

Date created 4/8/99 form 1

131
Variance Application - Form 3
Board of Zoning Appeals
Town of Seabrook Island/County of Charleston

Date Filed: ___________ Permit Application #: ______ Appeal #: ______
Application Fee: 25 Dollars Fee Paid: ___________ Check #: ______

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance:

**ENFORCEMENT OF 7.10.361 MARSH SETBACK**
**ENFORCEMENT OF 7.10.350 FRONT YARD SETBACK**

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: **ENFORCEMENT OF FRONT YARD SETBACK 9’ (A-3)** 6’ (A-4)

**ENFORCEMENT OF MARSH 10’ (A-1) 10’ (A-2)**

for which a permit has denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinances.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: THE ALLOWABLE BUILDABLE AREA OF ENTIRE LOT IS LESS THAN MAXIMUM ALLOWABLE LOT COVERAGE AREA. IN ADDITION 50% OF THE WIDTH OF BUILDABLE AREA IS LESS THAN 25’ IN WIDTH

B. These condition do not generally apply to other property in the vicinity as shown by:

**SIZES AND CONFIGURATIONS OF BUILDABLE AREAS OF PROPERTIES IN VICINITY**

C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

**THE SHAPE OF THE ALLOWABLE BUILDABLE AREA IS UNFAIRLY NARROW AND RESTRICTIVELY SMALL FOR AN AVERAGE SIZE HOUSE IN ADJACENT AREA**

D. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: **THE REQUEST WILL KEEP THE STREET CHARACTER IN TACT WITH MINIMAL ENFORCEMENT OF FRONT YARD SETBACK. MARSH ENFORCEMENT WILL MINIMALLY DISTURB ADJACENT PROPERTY MARSH VIEWS.**

3. The following documents are submitted in support of this application:

**PLOT PLANS OF LOT 15 AND ADJACENT PLATS**

LOT IS VIEW OBSTRUCTION MAP

[A plot plan must be submitted]

Date: 2/25/2002

Applicant signature

Date created: 4/9/99 Form 3
Chairman Walter Diesing called the Board of Zoning Appeals meeting to order April 25, 2002, at 3:00 p.m. All requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Chairman Diesing swore the testimony of the Zoning Administrator and all persons that would be giving testimony.

Approval of March 28, 2002, Minutes
Draft minutes of the March 28, 2002, meeting were distributed to the Board members. Commissioner Tom Kent suggested a change in sentence structure used in section one Approval of March 28, 2002, minutes. Vice-Chairman Donald Stock moved to approve the minutes as amended. Commissioner William Wolfe seconded the motion. The motion was unanimously approved.

Continuance of Variance 128 Appeal 31 Dudley and Jane Carpenter
At the March 28, 2002, appeal hearing the Board of Appeals requested revised plans for proposed construction of the Carpenter’s home to be located at 2913 Deer Point Drive. The Board requested the following before considering the appeal:

- Reduce the square footage of construction plans for the home
- Move the footprint of the home closer to a large berm located in the front of the yard
- Pivot the location of the home

Revised plans presented by Architect Mark Camens resulted in a narrower shaped home with front and rear porches. The construction footprint was located closer to the berm as requested by the Board. Mr. Camens and the property owners Dudley and Jane Carpenter stated that prior to the incorporation of the Town the lot met all zoning requirements and providing a hardship.
Robert Giuffreda, representing the Property Owner’s Association asked the Board to deny the variance and require the construction plans to fit the lot size without encroaching setbacks. Mr. Giuffreda added that the POA does not approve construction plans that would require a zoning variance.

Mr. and Mrs. Hank Billeter, Seabrook Island property owners, appealed to the Board to deny the variance at the March 28th hearing. Mr. Billeter informed the Board that prior to drawing construction plans for his home on neighboring lot 16, he had reviewed all POA ARB building guidelines and requirements. Mr. Billeter listed these reasons for denying the variance request:
- The variance would be unfair to adjacent property owners that have complied with setback requirements.
- The appeal does not meet the criteria for a variance and if approved may affect future appeals by setting a precedence.

Mr. Camens reasoned that the appeal meets the conditions for approval of a variance because other lots within the cul-de-sac were not adversely affected when the Town incorporated. He added that the ordinance is unreasonably strict and approval of the variance would not be a detriment to other property.

Chairman Diesing advised the applicants Dudley and Jane Carpenter that the Board would forward its determination within 7 days.

**Variance 129 Appeal 32 Conrad and Isabel Kottack**
Mr. and Mrs. Kottack are property owners of 2742 Amber Jack Court and are appealing to the Town for relief by variance of Ordinance 7.10.270 Setback Encroachment. The property owners were unable to attend the hearing and were represented by the Architect Wayne Windam and the builder Stephen Delaney.

Mr. and Mrs. Kottack provided the Town with copies of certified letters to adjacent property owners advising the neighbors or the variance request. There were no objections to the variance request by neighbors.
Board Zoning Appeals
Order on Variance

Date filed: 4/29/02

Dudley and Jane Carpenter
2913 Deer Point Drive
Seabrook Island, SC 29455

Permit Application # 128 Appeal # 31

The Board of Zoning Appeals held a public hearing on April 25, 2002, to consider the appeal of Dudley and Jane Carpenter for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant ___has ___does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact: This involves a very small lot in a neighborhood of larger lots and homes. Luckily, there is a substantial natural berm on the front of the property, which eases the disadvantages from sitting the house so close to the cul-de-sac. My approval is conditioned on the maintenance of that berm.

2. The Board concludes that these conditions ___do ___do not generally apply to other property in the vicinity based on the following finding of fact: This lot is unique in size and topography.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ___would ___would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: The planned house has already been reduced in size. Further reductions does not appear reasonable.

4. The Board concludes that authorization of the variance ___will ___will not be of substantial detriment to adjacent property or to the public good, and the character of the district ___will ___will not be harmed by the granting of the variance based on the following finding of fact: Reduction in size and sitting of the planned house at the Board’s request, has eliminated the objectionable sight line obstructions of the earlier plan. The berm will shield *

5. The Board concludes that the effect of the variance NA ___would ___would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA ___would ___would not extend physically a nonconforming use of the land; and NA ___would ___would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

Signature of Board Member

Date: 4/29/02

*the front of the house from the cul-de-sac.
Board Zoning Appeals
Order on Variance

Date filed: ____________________________ Dudley and Jane Carpenter
Permit Application # 128 Appeal # 31 2913 Deer Point Drive
Seabrook Island, SC 29455

The Board of Zoning Appeals held a public hearing on April 25, 2002, to consider the appeal of Dudley and Jane Carpenter for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant ____________ X has ________ does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact: The lot in question, as originally laid out, had a reasonable building area. No setback rules coupled with a peculiarly off-center cul de sac, however, have rendered the lot essentially unbuildable.

2. The Board concludes that these conditions ________ X do not generally apply to other property in the vicinity based on the following finding of fact: Other lots in the area do not have the same problem, essentially because most of them are affected by the elevation and shape of the cul-de-sac.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ________ X would ________ would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: Sec 1 & 2 above.

4. The Board concludes that authorization of the variance ________ X will not be of substantial detriment to adjacent property or to the public good, and the character of the district ________ X will not be harmed by the granting of the variance based on the following finding of fact: The property owner should be allowed to re-file for a variance based on a plan that is an improvement over that presented on April 25, 2002.

5. The Board concludes that the effect of the variance ________ NA would ________ NA would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA would or would not extend physically a nonconforming use of the land; and ________ NA would ________ would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

Signature of Board Member

[Signature]

Date: April 25, 2002

138
Board Zoning Appeals
Order on Variance

Date filed:__________________________
Permit Application # 128 Appeal # 31

Dudley and Jane Carpenter
2913 Deer Point Drive
Seabrook Island, SC 29455

The Board of Zoning Appeals held a public hearing ON March 28, 2002 to consider the appeal of Dudley and Jane Carpenter for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant □ has □ does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact: (1) a small non-conforming lot on a cul-de-sac so that circular front set-back exists significantly into original platted building area. (2) Lot is considerably smaller than other lots in vicinity. (3) Lot is deep not deep so that set-back from OCRM line further squeeze building area.

2. The Board concludes that these conditions □ do □ do not generally apply to other property in the vicinity based on the following finding of fact: Other lots in vicinity are significantly larger and deeper. This lot is only about 95 deep and with set backs the building area at center of lot is only about 25. As a practical result width of house in major portion of lot would be only one room wide deep. Two completed houses been near by are quite gracious and would be adversely impacted by ad new house which fails to match up.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property □ would □ would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: ____________________________

4. The Board concludes that authorization of the variance □ will □ will not be of substantial detriment to adjacent property or to the public good, and the character of the district □ will □ will not be harmed by the granting of the variance based on the following finding of fact: Adjacent sight line of neighbors are not blocked passing by on road would not observe non-conforming building because of high term in front of house.

5. The Board concludes that the effect of the variance NA □ would NA □ would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA □ of the ordinance; and NA □ would or would not extend physically a nonconforming use of the land; and NA □ would □ would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

Signature of Board Member ____________________________ Date: 4/25/02
Board Zoning Appeals
Order on Variance

Date filed: 
Permit Application # 128 Appeal # 31

Dudley and Jane Carpenter
2913 Deer Point Drive
Seabrook Island, SC 29455

The Board of Zoning Appeals held a public hearing ON March 28, 2002 to consider the appeal of Dudley and Jane Carpenter for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant ✓ has does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact: The building Area of this small lot is Semi-Circle in shape, making it impossible to place a suitable home on this lot without a variance.

2. The Board concludes that these conditions ✓ do ✓ do not generally apply to other property in the vicinity based on the following finding of fact: Other properties in this vicinity are larger and have Larger building areas.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ✓ would ✓ would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: Other homes in this neighborhood are in the 2500 - 3000 square foot footprint size. A home smaller than the one proposed would look out of place.

4. The Board concludes that authorization of the variance ✓ will ✓ will not be of substantial detriment to adjacent property or to the public good, and the character of the district ✓ will ✓ will not be harmed by the granting of the variance based on the following finding of fact: High berm in front of home will shield a portion of the variance from view.

5. The Board concludes that the effect of the variance NA would NA would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA would or would not extend physically a nonconforming use of the land; and NA would NA would would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

Signature of Board Member: [Signature]
Date: 4/29/02

140
Board Zoning Appeals
Order on Variance

Date filed: April 25, 2002
Permit Application # 128 Appeal # 31

Dudley and Jane Carpenter
2913 Deer Point Drive
Seabrook Island, SC 29455

The Board of Zoning Appeals held a public hearing on April 25, 2002 to consider the appeal of Dudley and Jane Carpenter for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant has does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact:
   The offset cul-de-sac itself presents a unique situation to this property concerning the front setback and the required uniformly shaped building footprint. However, the proposed rear (marsh) setback violation can be corrected by reducing the size of the covered porch on the rear of the house or by making it a deck.

2. The Board concludes that these conditions do not generally apply to other property in the vicinity based on the following finding of fact:
   Other properties do not have a similar situation as that created by the combination of the offset cul-de-sac and the required marsh setback which creates an unusually shaped building footprint.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property based on the following finding of fact:
   Even though the cul-de-sac situation and required marsh setback does limit the type and size of house that can be built, a reasonably sized house could be built.

4. The Board concludes that authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance based on the following finding of fact:
   The owner knew the lot was small and unusually shaped at time of purchase, so the owner is required to make a best effort to design a house to properly fit the lot and eliminate the need for variances.

5. The Board concludes that the effect of the variance NA would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA would or would not extend physically a nonconforming use of the land; and NA would would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

Signature of Board Member

Date: April 27, 2002
Variance #159: 2566 Seabrook Island Road
(Approved March 22, 2019)
NOTICE OF DECISION
Board of Zoning Appeals
Town of Seabrook Island

TO: James & Deborah Ott, 2566 Seabrook Island Road, Seabrook Island, SC 29455
FROM: Walter Sewell, Chair, Board of Zoning Appeals
SUBJECT: Notice of Decision – Variance Application #159 (2566 Seabrook Island Road)
DATE: March 26, 2019

James and Deborah Ott (hereafter, the “Property Owners”) are the owners of real property located at 2566 Seabrook Island Road (Tax Map # 147-01-00-033), in the Town of Seabrook Island, County of Charleston, State of South Carolina (hereafter, the “Property”).

On January 30, 2019, the Town of Seabrook Island (hereafter, the “Town”) received a completed variance application (Application #159) from the Property Owners, as well as their architect, Mr. Chris Bonner of b Studio Architecture (hereafter, collectively, the “Applicants”). In order to permit installation of a pool/swim spa and hot tub within a new deck expansion (to be constructed) as well as a brick paver patio and fire pit in the rear yard of the Property, the Applicants sought approval from the Town’s Board of Zoning Appeals (hereafter, the “Board”) to grant relief from the following setback requirement, as provided by the Town’s Development Standards Ordinance (hereafter, the “DSO”):

<table>
<thead>
<tr>
<th>Type</th>
<th>DSO Reference</th>
<th>DSO Requirement</th>
<th>Variance Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsh Setback</td>
<td>§ 7.60.50</td>
<td>25 feet</td>
<td>Reduce the march setback to 15 feet to allow the pool/swim spa and hot tub to be located within the open deck and reduce the march setback to 5 feet to allow the paver patio and fire pit to be installed as shown on proposed site plan</td>
</tr>
</tbody>
</table>

As part of their variance request, the Applicants stated that strict application of the 25-foot marsh setback requirement would result in an unnecessary hardship. The Applicants further argued:
(a) The existing home and deck were built by a previous owner, before current restrictions were in place, and in a manner that would not allow these features to be added in another location on the lot;

(b) The unique shape of the lot and marsh location, the home’s placement on the lot, and the existing configuration of the home creates a specific hardship that is not found on neighboring property;

(c) The strict application of the ordinance would restrict the homeowners’ ability to utilize their rear deck space and access the non "built on" portion of the lot for relaxation and recreational purposes that other properties are able to utilize; and

(d) The granting of the Variance will allow similar uses that neighboring properties are able to enjoy currently. The spa feature will be minimally visible with open decking below; and a low, permeable area, made of natural materials for a fire pit will be well shielded by vegetation.

A public hearing on the Applicants’ variance request was advertised, pursuant to § 19.30.20.30 of the DSO, and held at 2:30 PM on Friday, March 22, 2019, at Seabrook Island Town Hall. During the public hearing, the Board heard testimony from the Applicants and the Town’s Zoning Administrator. In addition, one neighboring property owner provided testimony in support of the Applicants’ variance request. No other public comments were received in support of, or in opposition to, the request prior to the public hearing. An agenda packet, including supporting materials, was prepared by the Zoning Administrator and distributed to members of the Board and the Applicants in advance of the meeting. These materials were also made available for public inspection prior to the meeting.

Pursuant to § 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
Further, § 6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws permits the Board of Zoning Appeals to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

**DECISION**

Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, Mr. Leggett made the following motion regarding the variance request for the SWIM SPA/HOT TUB, which was seconded by Mr. Fox:

1) **The Board finds that strict application of the Town’s DSO would result in an unnecessary hardship;**

2) **For the reasons referenced in the Applicants’ request for variance, the Board finds that the Property meets the criteria for approval of a variance, as outlined in § 6-29-800(A)(2) of the SC Code of Laws; and**

3) **The requested variance is hereby approved, and the marsh setback requirement for the Property is amended, as follows:**

<table>
<thead>
<tr>
<th>Type</th>
<th>DSO Requirement</th>
<th>Variance APPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsh Setback</td>
<td>25 feet</td>
<td>Reduce the marsh setback to <strong>15 feet</strong> to allow the pool/swim spa and hot tub to be located within the open deck as shown on the proposed site plan</td>
</tr>
</tbody>
</table>

The motion to grant the variance was **APPROVED** by a vote of 3-1, with Chairman Sewell, Mr. Leggett and Mr. Fox voting IN FAVOR, and Ms. Kleinman OPPOSED.

Mr. Leggett then made the following motion regarding the variance request for the PAVER PATIO & FIRE PIT, which was seconded by Mr. Fox:

1) **The Board finds that strict application of the Town’s DSO would result in an unnecessary hardship;**

2) **For the reasons referenced in the Applicants’ request for variance, the Board finds that the Property meets the criteria for approval of a variance, as outlined in § 6-29-800(A)(2) of the SC Code of Laws; and**

3) **The requested variance is hereby approved, and the marsh setback requirement for the Property is amended, as follows:**
<table>
<thead>
<tr>
<th>Type</th>
<th>DSO Requirement</th>
<th>Variance APPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsh Setback</td>
<td>25 feet</td>
<td>Reduce the march setback to 5 feet to allow the paver patio and fire pit to be installed as shown on proposed site plan</td>
</tr>
</tbody>
</table>

The motion to grant the variance was **APPROVED** by a vote of 3-1, with Chairman Sewell, Mr. Leggett and Mr. Fox voting IN FAVOR, and Ms. Kleinman OPPOSED.

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, Mr. Fox made a motion, seconded by Mr. Leggett, to attach the following conditions to the above references variances, as allowed by § 6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws:

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicant and reviewed by the Board on March 22, 2019. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.

- The variances shall expire on September 25, 2022 (five years from the date of the current OCRM Critical Line Certification) if no zoning permit has been issued by the town on or before that date.

The motion to attach the conditions to the two variances was **APPROVED** by a vote of 4-0.

**RIGHT TO APPEAL**

Pursuant to § 6-29-800 of the South Carolina Code of Laws, a property owner whose land is the subject of a decision by the Town’s Board of Zoning Appeals may appeal that decision to the circuit court for Charleston County by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. An appeal must be filed within thirty days from the postmark date of this notice. In filing an appeal, a property owner may also request pre-litigation mediation in accordance with § 6-29-825 of the South Carolina Code of Laws.

**IT IS SO ORDERED**

Respectfully submitted,

[Signature]

Walter Sewell
Chair, Board of Zoning Appeals

Notice of Decision – 2566 Seabrook Island Road
Notice of Appeal - Form 1
Board of Zoning Appeals

Date Filed: ____________ Permit Application No. ____________ Appeal No. ____________

Instructions
This form must be completed for a hearing on appeal from action of a zoning official, application for a variance or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

☐ from action of a zoning official as stated on attached Form 2
☐ for a variance as stated on attached Form 3.
☐ for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Chris Bonner - b Studio Architecture
Address: 582 Rutledge Ave
Telephone: 843.608.1858 [work] [home]
Interest: Owner(s): Adjacent Owner(s); Other: Architect

OWNER(S) [if other than Applicant(s)]: James & Deborah Ott
Address: 2566 Seabrook Island Road
Telephone: [work] (570) 840-7435 [home]
[Use reverse side if more space is needed.]

PROPERTY ADDRESS:
Lot 49 Block 5 Subdivision Seabrook Island
Tax Map No. 147-01-00-033 Plat Book AD Page 95
Lot Dimensions: 122' x 195'
Area: 23,602 S.F.
Zoning District: SFR
Zoning Map Page:

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 1/30/19

Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3 or 4 is correct.

Date: 1/30/19
Applicant signature(s)
Variance Application - Form 3
Board of Zoning Appeals

Date Filed: ______________ Permit Application No. ______________ Appeal No. ______________

1. Applicant hereby appeals to the board of zoning appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the zoning ordinance:
Section 7.60.50 & 9.40- Owner requests relief of 25' setback requirement for Spa & Paver /Fire Pit area.
so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: Owner requests to reconfigure existing deck to add concealed spa inside new deck structure & add "Masonry Fire Pit" w/permeable pavers inside setback
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the zoning ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by state law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: The existing home and deck were built by a previous owner, before current restrictions were in place, and in a manner that would not allow these features to be added in another location on the lot.

b. These conditions do not generally apply to other property in the vicinity as shown by:
   The unique shape of the lot and marsh location, the homes placement on the lot, and the existing configuration of the home creates a specific hardship that is not found on neighboring property.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: The strict application of the ordinance would restrict the homeowners ability to utilize their rear deck space and access the non "built on"portion of the lot for relaxation and recreational purposes that other properties are able to utilize.

d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: The granting of the Variance will allow similar uses that neighboring properties are able to enjoy currently. The spa feature will be minimally visible with open decking below; and a low, permeable area, made of natural materials for a fire pit will be well shielded by vegetation.

3. The following documents are submitted in support of this application:
   Documents, including a plot plan labeled A100-104, A201, A310 [A plot plan must be submitted.]

   Date: 1/30/19

   Applicant signature
EXISTING DECK SUPPORTS, EXTERIOR LOUVRE WALLS, AND STRUCTURE TO BE REMOVED

LOCATION AND SIZE OF EXISTING FOOTERS IS UNKNOWN
NEW FOUNDATION PLAN
1/4" = 1'-0"
Build Your 1303B

MODEL DETAILS

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Series</td>
<td>1303</td>
</tr>
<tr>
<td>Total Jets</td>
<td>31</td>
</tr>
<tr>
<td>Power North America</td>
<td>17HP (3x 4HP Viper Pumps + 5HP Super Flow)</td>
</tr>
<tr>
<td>Power International</td>
<td>20HP (4x 5HP SuperFlow)</td>
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<tr>
<td>Seats</td>
<td>NA</td>
</tr>
<tr>
<td>Brand</td>
<td>Swim Collection</td>
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<tr>
<td>Style</td>
<td>Swim Spa</td>
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</table>

SPECIFICATIONS METRIC

<p>| | |</p>
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<tr>
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<tr>
<td>Dims (cm)</td>
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<tr>
<td>Capacity (l)</td>
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<tr>
<td>Dry Weight (kg)</td>
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<tr>
<td>Wet Weight (kg)</td>
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SPECIFICATIONS IMPERIAL

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<tbody>
<tr>
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<td>Capacity (us gal)</td>
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<tr>
<td>Dry Weight (lbs)</td>
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</tr>
<tr>
<td>Wet Weight (lbs)</td>
<td>13929</td>
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</table>

ENERGY USAGE estimated per month*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Warm 75°F</td>
<td>24°C</td>
</tr>
<tr>
<td>Cool 45°F</td>
<td>7°C</td>
</tr>
</tbody>
</table>

* Energy usage is estimated using average global energy rates and based on hot tubs with average filtration cycles and common daily usage. For general reference only. Spa equipment, features, upgrades, environment, insulation variations along with duration/frequency-of-use can alter provided estimated energy costs.

FEATURES

- Touchscreen Controls Wellness
- Extreme XL Water Diverters
- Air Controls
- Trillium Stainless Steel Massage Jets | 31
- River Jets (Swim Resistance Jets) | 31
- Levitator Jets (Swim Bouyancy Jets) | 4
- Streaming Water Ropes - Laminars
- Hydro Cyclonic Filtration System® - 175 sq ft Dual Core Filter
- Smartphone Remote Control Compatible
- Swim Tether Anchor Plate
- Swim Tether
- Exercise Bands and Row Bars

SPA COMFORTS

- Plush Headrests
- Beverage Holders
- Anti-Slip Textured Floor
- Ergonomic Seating
- Multi-Level Seating
- Programmable Filtration
- Stainless Steel Oversized Monster™ Skimmer

BUILT TO LAST

- Freeze Protection
- Formed Equipment Enclosure
- Owens Corning® Fiberglass Shell with 1 1/4" Steel Reinforcement
- Steel Reinforced Spa Acrylic Pressure Treated Frame
- Quick Access Gate Valves
- Titanium Heater
- Recessed Floor Drain
- Recessed Thread-In Jet-Pockets™
- Super-Sealed™ Barb & Clamp Plumbing

Coast Spas | 1303B
Build Your Own 1303B & Get Pricing Information

Choose from a wide selection of optional features for the 1303B model. Clicking on '...more' will give you additional information on each feature. Once you’ve made your selections you can submit your build for a hassle-free quotation using the form at the bottom of the page.

All listed features and information are subject to change without notice. Images provided may not accurately represent the current offering. Please check with your local Authorized Coast Spas Dealer for current standard and optional features and availability.
Lighting

7" Stainless Steel Frosted Light Dome
Long lasting, bright and ...more

MultiColor LED Spa Light Upgrade (28 LED)
Switch out the single col ...more

Waterline Multicolor LED Gem Lighting Package
LED lighting that runs ar ...more

Xtreme Multicolor LED Gem & Control Lighting Packa
Visually stimulating ligh ...more

Xtreme Multicolor LED Gem & ChromoZone Lighting
...more

Acrylic and Cabinet Finish

ACRYLIC SELECTION
Sterling Marble
see large swatch

Neptune Blue
see large swatch

CANADIAN CEDAR
Unstained Canadian AAA-Grade Cedar
see large swatch

Clear Satin Canadian AAA-Grade Cedar
see large swatch

DURABLE SYNTHETIC
Teak 9" Wideboard Synthetic Cabinet
see large swatch

Grey 9" Wideboard Synthetic Cabinet
see large swatch

Black 9" Wideboard Synthetic Cabinet
see large swatch

Grey 9" Wideboard Synthetic Cabinet w/ Carbon Fiber Corners
see large swatch

Teak 9"
Black 9" Coastal Smoke 9"

Above is a representation of your color selections only and does not necessarily reflect the model or additional features you've selected. The spa shown above is part of the Curve Series by Coast Spas.
Wideboard Synthetic Cabinet w/ Carbon Fiber Corners see large swatch

Teak 9”
Wideboard Synthetic Cabinet w/ Carbon Fiber Corners see large swatch

LUXURY SLATE
- Desert Sand Natural Slate Cabinet see large swatch
- Mountain Grey Natural Slate Cabinet see large swatch
- Obsidian Natural Slate Cabinet see large swatch
- Stone Brown Natural Slate Cabinet see large swatch

CABINET ACCESSORIES
- Coast Cubby - Warm Storage Compartment
  Store your items in a pro ...more
- Coast WaterVac™ Powered Drain System
  Quickly drain your hot tu ...more
- Coast WaterVac™ - Stowaway Shrink Hose 25 ft
  No need to get the househ ...more
- Coast Status
  Know the status of your C ...more

Cover
- 5x3” Ash Thermal-Sealed™ Ultra Locking Cover
  Energy efficient and safe ...more
- 5x3” Oxen Thermal-Sealed™ Ultra Locking Cover
  Energy efficient and safe ...more
- 5x3” Briar Brown Thermal-Sealed™ Ultra Locking Cover
  Energy efficient and safe ...more
- Designer Cover Color Upgrade - Black
  Your Coast Spas Hot Tub c ...more
- Designer Cover Color Upgrade - Rust
  Your Coast Spas Hot Tub c ...more

Exercise Equipment
Authorized Coast Spas® Dealership

Carolina Spa Company

📍 1145 SC Highway 41, Unit A, Mount Pleasant SC 29466
📞 843-936-3196
✉️ sales@carolinaspacompany.com

Hot Tubs & Swim Spas

TRADITIONAL COLLECTION ➔
CURVE COLLECTION ➔
INFINITY COLLECTION ➔
SWIM COLLECTION ➔
NORTHWIND HOT TUBS ➔

Discover More

ABOUT COAST SPAS ➔
SPA BENEFITS ➔
BUYER’S GUIDE ➔
OWNER’S MANUALS ➔
CONTACT US ➔

Map

View larger map

Copyright © Coast Spas®. All Rights Reserved. View our Privacy Policy. (privacy-policy.php?d=carolinaspa)
Build Your Horizon

MODEL DETAILS

Series VE II Series
Total Jets 47
Power North America 10HP (2x 5HP SuperFlow)
Power International 10HP (2x 5HP SuperFlow)
Seats 6-7 Adults
Brand Coast Spas
Style Infinity Edge

SPECIFICATIONS METRIC

Dims (cm) 211 x 234 x 82 (116 at back)
Capacity (l) 1340
Dry Weight (kg) 385
Wet Weight (kg) 1725

SPECIFICATIONS IMPERIAL

Dims (in) 83.25 x 92 x 32.5 (46 at back)
Capacity (us gal) 354
Dry Weight (lbs) 849
Wet Weight (lbs) 3803

ENERGY USAGE estimated per month*

Warm 75°F | 24°C $8.84
Cool 45°F | 7°C $19.64

* Energy usage is estimated using average global energy rates and based on hot tubs with average filtration cycles and common daily usage. For general reference only. Spa equipment, features, upgrades, environment, insulation variations along with duration/frequency of use can alter provided estimated energy costs.

FEATURES

- Touchscreen Controls
- Extreme XL Water Diverters
- Air Controls
- Trillium Stainless Steel Massage Jets | 47
- Volcano Jet with Dedicated Hand Control |
- Exclusive 24" Adjustable Waterfall (Stainless Steel)
- Streaming Water Ropes - Laminars
- Hydro Cyclonic Filtration System® - 175 sq ft Dual Core Filter
- Self-Cleaning Sweeper Jet™
- Smartphone Remote Control Compatible
- Patented Infinity Edge Technology and Design
- Raised Curve Back - Wind Shield and Privacy Wall
- No Bobbing Weir Skimmer
- Largest Skimmers
- Self-Purging
- Digital Float and Fill Gauge
- The Coast Guard System® - Hardened Ground-Shield Barrier

SPA COMFORTS

- Plush Headrests
- Beverage Holders
- Anti-Slip Textured Floor
- Ergonomic Seating
- Multi-Level Seating
- Large Footwells
- Programmable Filtration

BUILT TO LAST

- The Coast Guard System® - Hardened Corner Bottoms
- Freeze Protection
- Owens Corning® Fiberglass
- Shell with 1 1/4" Steel
- Reinforcement
- Steel Reinforced Spa Acrylic
- Pressure Treated Frame
- Quick Access Gate Valves
Titanium Heater
Recessed Floor Drain
Recessed Thread-In
Jet-Pockets™
Super-Sealed™ Barb & Clamp
Plumbing

Build Your Own Horizon & Get Pricing Information

Choose from a wide selection of optional features for the Horizon model. Clicking on '...more' will give you additional information on each feature. Once you've made your selections you can submit your build for a hassle-free quotation using the form at the bottom of the page.

All listed features and information are subject to change without notice. Images provided may not accurately represent the current offering. Please check with your local Authorized Coast Spas Dealer for current standard and optional features and availability.
Lighting

5" Safety Light
Allows safety and comfort ...more

MultiColor LED Spa Light Upgrade (28 LED)
Switch out the single col ...more

Waterline Multicolor LED Gem Lighting Package
LED lighting that runs ar ...more

Xtreme Multicolor LED Gem & Control Lighting Packa
Visually stimulating ligh ...more

Xtreme Multicolor LED GLO Jet & ChromoZone Lighting
...more

Acrylic and Cabinet Finish

ACRYLIC SELECTION
Sterling Marble see large swatch
Crimson Night see large swatch
Snow White see large swatch
Storm Cloud see large swatch
Tuscan Sun see large swatch
Midnight Canyon see large swatch
Whispering Winds see large swatch
Kalahari see large swatch
Smokey Mountain see large swatch

CANADIAN CEDAR
Unstained Canadian AAA-Grade Cedar see large swatch
Clear Satin Canadian AAA-Grade Cedar see large swatch

DURABLE SYNTHETIC
Grey 9" Wideboard Synthetic Cabinet see large swatch
Teak 9" Wideboard Synthetic Cabinet see large swatch
Black 9" Wideboard Synthetic Cabinet see large swatch
Coastal Smoke 9" Wideboard Synthetic Cabinet see large swatch

Above is a representation of your color selections only and does not necessarily reflect the model or additional features you've selected. The spa shown above is part of the Curve Series by Coast Spas.
Authorized Coast Spas® Dealership

Carolina Spa Company

📍 1145 SC Highway 41, Unit A, Mount Pleasant SC 29466
📞 843-936-3196
✉️ sales@carolinaspacompany.com

Hot Tubs & Swim Spas

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CURVE COLLECTION >
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SWIM COLLECTION >
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SPA BENEFITS >
BUYER’S GUIDE >
OWNER’S MANUALS >
CONTACT US >

Map

> View larger map

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Letter from David & Susan Whitehouse
(July 31, 2020)
We have read the proposed variance request for 2913 Deer Point Drive and have these pertinent comments:

   From reading the request there seems to have been a precedent for accepting request because a similar request was granted in February 2019 at 2566 Seabrook Island Road.

   We also noted that SIPOA Policies and Procedures permits swimming pools 36 inches or less and permeable decks to be constructed within 15 feet of the OCRM line.

   This variance request reads that it would be consistent with past decisions and policies.

Therefore we have no objection with the proposed zoning variance request, as long as it complies to all policies and parameters and does not set a precedent for any future variance requests in our neighborhood.

We appreciate your taking time to discuss this with us yesterday and look forward to meeting you upon our return to the island.

Susan and David Whitehouse  2919 Deer Point Drive  Seabrook Island
Letter from Katrina Burrell, SIPOA
(August 4, 2020)
August 4, 2020

Joseph M. Cronin                                      VIA email: jcronin@townofseabrookisland.org
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC  29455

Re:  Block 49 Lot 15 – 2913 Deer Point Drive / Pool and Deck Addition

Dear Mr. Cronin:

It is my understanding that a variance request has been submitted to the Town of Seabrook Island Board of Zoning Appeals relating to a pool and deck addition at 2913 Deer Point Drive due to the location of the structure in relation to the rear setback and marsh. While the SIPOA ARC has reviewed these plans and provided recommendations, no formal decision has been made pending the outcome of this variance request.

Please contact me if you need any additional information.

Very truly yours,

Katrina Burrell, CMCA, AMS
Director of Administration and Architectural Review

cc:     Mr. and Mrs. Bryan (2913 Deer Point Property Owners) via email
        Malcolm Brennan (Architect) via email
        B49 L15 – 2913 Deer Point Drive (Master File)
Letter from Errol Stuart & Jennifer Passantino
(August 5, 2020)
You've just received a new submission to your Public Comments - Variance #167.

Mark as Spam

Submitted Information:

Name
Errol Stuart and Jennifer Jo Passantino

Address
2967 Deer Point Drive

Email Address
wakegr88@aol.com

Do you support the approval of Variance #167?
Yes - In Favor

Comment
We are in "favor" of the proposed variance application with the following comments based on the readings of the application and with the perspective of being on a long time property owner on said street Deer Point Drive (2967)- owner since 2005, full time resident since 2017:

- Historical precedent has been set based on approved application February 2019 at 2566 Seabrook Island Road
- SIPOA Policies and Procedures permits swimming pools 36 inches or less and permeable decks to be constructed within 15 feet of the OCRM line
- The owners of the property maintain it in a way that helps beautify the street and the island ultimately contributing to helping Seabrook Island increase its appeal and property values

We therefore support the variance.
Letter from Steve Berry
(August 6, 2020)
You've just received a new submission to your Public Comments - Variance #167.

Mark as Spam

Submitted Information:

Name
Steve Berry

Address
3108 Marshgate Drive

Email Address
sbberry@comcast.net

Do you support the approval of Variance #167?
Yes - In Favor

Comment
ATTACHMENT #18-E

Correspondence with Tad Dickson
(August 11, 2020)
Mr. Dickson,

Thank you for submitting your questions. I have provided responses below:

1) Yes, a variance was issued for the property prior to the issuance of a permit in 2002. The variance allowed the rear porch to encroach into the 25-foot marsh setback, and the front corner of the house to encroach into the 30-foot front yard setback.

2) One corner of the proposed pool which is labeled "New 1st Floor Pool" would in fact encroach into the 25-foot marsh setback; however, that pool will be fully located within the footprint of the existing covered porch. The DSO allows "open decks" to be located within 15 feet of the OCRM critical line, and you will see in the site plan that all open decks and permeable pavement will be at least 15 feet from the critical line. However, all other structures, including pools (regardless of how high they are above grade -- I believe that may be a POA rule?), need to be set back at least 25 feet from the OCRM critical line. Most of the pool labeled "New Pool Below 35" Above Grade" is encroaching into the 25-foot marsh setback. At its closest point, this pool will be 18'7" from the critical line, which is a maximum encroachment of 6'5" into the marsh setback.

I have included a photo below that may make it a little easier to illustrate. The OCRM critical line is the blue line. The green line is the 15-foot setback line for open decks. The red line is the 25-foot setback line for all other structures, including pools. As you will see, the decking and permeable paving are fine, but the pool extends beyond the 25-foot setback line, which would necessitate a variance to be constructed as shown.
Joseph M. Cronin  
Town Administrator  
Town of Seabrook Island  
2001 Seabrook Island Road  
Seabrook Island, SC 29455  
Office: (843) 768-5321  
Cell: (843) 637-9832  
www.townofseabrookisland.org

-----Original Message-----
From: Tad Dickson <taddickson@icloud.com>
Sent: Tuesday, August 11, 2020 10:02 AM
To: Joe Cronin <jcronin@townofseabrookisland.org>
Subject: Fwd: 2913 Deer Point Dr

> I am the owner of 2916 Deer Point Dr and have received your letter regarding the variance request for 2913 Deer Point. I have reviewed the material and have a couple of questions.
> 1. It looks like the existing covered porch encroaches into the 25’ setback. I assume the owner at the time of the original construction was able to obtain a variance at that time. Is that correct?
> 2. From the floor plan it looks like the Dipping Pool which is at the first floor level does not encroach into the 25’ setback and the New Pool does encroach but is less than 36” in elevation which is apparently permitted by the DSO. If
this is correct it is hard to identify where the 6.5’ encroachment mentioned in your letter is on the drawing. Could you advise exactly where that is?
>
> Sent from my iPad
Letter from Pamela & David Parrot
(August 15, 2020)
Dear Mr. Cronin,

This is to confirm we have received a letter from Malcolm Brennan of M. Brennan Architects, Inc, 113 Wappoo Creek Drive, Suite 4, Charleston SC 29412 dated July 21, 2020 together with your letter dated July 22, 2020 regarding a Variance Request for 2913 Deer Point Drive.

As owners of Lot 16 on 2915 Deer Point Drive, we have no objections to granting the variance PROVIDED the owners of 2913 Deer Point Drive follow and implement all conditions stated on Page 2 of 3 in their Variance Application, particularly with regard to item C.4).

Sincerely,

Pamela and David Parrott,
1017 Settlers Ridge Lane,
Raleigh, NC 27614

Tel: (919) 454-9026
ATTACHMENT #18-G

Letter from Leo Marien
(August 17, 2020)
You've just received a new submission to your Public Comments - Variance #167.

Mark as Spam

Submitted Information:

Name
Leo E Marien

Address
2927 Deer Point Dr

Email Address
leo_marien@yahoo.com

Do you support the approval of Variance #167?
Yes - In Favor

Comment
I think homeowners who respectfully complete their due diligence in regards to the ARC and SIPOA regulations as much as the Bryan Family has done should definitely receive approval of their requested variance. The goal of all involved is to improve the existing properties on the island in a way that does not significantly hinder our natural beauty that we all treasure. The plan that the Bryans have submitted demonstrates the thoughtful design that fellow homeowners should take note from. As homeowners on Deer Point Dr., we are in full support of the Bryan family being allowed the variance they have requested. Thank You
MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Application #168 – 3557 Seaview Drive
MEETING DATE: August 26, 2020

---

**Variance Application #168**

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Leanne and William Spaide (Owners)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Garris Killingsworth, Outdoor Spatial Design LLC (Applicant)</td>
</tr>
<tr>
<td>Location</td>
<td>3557 Seaview Drive</td>
</tr>
<tr>
<td>Tax Map Number</td>
<td>147-00-00-049</td>
</tr>
<tr>
<td>Zoning District</td>
<td>SR Single-Family Residential</td>
</tr>
<tr>
<td>Purpose</td>
<td>To allow a proposed retaining wall to encroach approximately 30 feet into the required 30-foot front yard setback and to allow terraced steps and decking to encroach approximately 7 feet into the required 15-foot rear yard setback</td>
</tr>
</tbody>
</table>

---

**Overview**

The Town has received a variance application from Leanne and William Spaide, the owners of Charleston County Tax Map # 147-00-00-049, as well as Garris Killingsworth of Outdoor Spatial Design LLC (collectively, the “Applicants”). The Applicants are requesting two variances. The first is a reduction in the 30-foot front yard setback requirement to allow for construction of a retaining wall in an area with steep topography and a grand oak tree. The Applicants are also seeking a reduction in the 15-foot rear yard setback requirement to allow for construction of new terraced steps and additional decking in a location that also has topographical challenges. The property is located at 3557 Seaview Drive (Block 18, Lot 14).

According to Charleston County tax records, the existing home was completed in 1984. Because the town was not incorporated until 1987, the property would have been developed under Charleston County’s zoning requirements. Mr. and Mrs. Spaide purchased the property in June of 2018.

The DSO requires a minimum front yard setback of 30 feet for retaining walls and most other structures. Open decks and similar pervious structures may encroach into a rear yard provided that they are at least 15 feet from the rear property line. At its closest point, the proposed retaining wall will essentially be situated on the front property line. The terraced steps and decking at the rear of the residence will be located approximately 8 feet from the rear property line at their closest point.
Code Reference:

a. § 7.60.20.10. Minimum Setback-Front. Thirty (30) feet.

b. § 7.60.60. Open Space Lots—Rear Setback. On lake, lagoon, or golf course lots the minimum rear lot setback of the residential structure must be twenty-five (25) feet. Open decks may extend into the setback, but may not be less than fifteen (15) feet from the rear lot line.

The property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right.

The existing home complies with the 30-foot front yard setback requirement, as well as the 15-foot side yard setback on both sides. A pre-existing deck, steps and walkway currently encroach into the rear yard setback. Given that the home was built prior to the town’s incorporation, all existing non-conformities would be considered “grandfathered.”

In order to allow for construction of the proposed retaining wall, replacement steps and decking, the Applicants are requesting the following variances from the requirements of the DSO:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>VARIANCE (REQUESTED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Setback (Front)</td>
<td>30 feet (§ 7.60.20.10)</td>
<td>Reduce the front yard setback from 30 feet to approximately 0 feet (30-foot encroachment)</td>
</tr>
<tr>
<td>Rear Setback (Open Space Lots)</td>
<td>15 feet for Open Decks (§ 7.60.60)</td>
<td>Reduce the rear yard setback for open decks and permeable surfaces from 15 feet to approximately 8 feet (7-foot encroachment)</td>
</tr>
</tbody>
</table>

In their application, the Applicants are requesting relief from the above-referenced setback requirements for the following reasons:

a) The existing home was constructed prior to the town’s incorporation, and was built under different (Charleston County) zoning requirements in place at the time;

b) There is a 26” oak tree on top of a sand dune in the front yard. Lack of maintenance by previous owners and ongoing erosion of the dune has resulted in significant instability of the hill. Without a retaining wall, this grand tree will likely need to be removed due to safety and liability concerns. In the rear yard, there is a significant slope that is continuing to erode, rendering the backyard unsafe and unusable.

c) A retaining wall at the front of the property will allow for stabilization of the grand oak tree and dune and will reduce further erosion and possible loss of the tree. At the rear, the proposed steps and decking will replace those which are already encroaching into the rear yard setback; and
d) The authorization of these variances will not be of substantial detriment to adjacent property or to the public good because the proposed retaining wall at the front of the property will ensure the continued health and safety of the grant tree and neighboring property owners, and the proposed steps and decking at the rear will be screened by thick vegetation that obscures views from neighboring properties.

Staff Comments

As a matter of practice, the town’s Zoning Administrator does not typically provide a recommendation in favor of, or in opposition to, a variance application. In our opinion, these requests are best left to the Board of Zoning Appeals following a thorough review of the relevant facts, including the receipt of testimony from interested parties during the required public hearing.

In granting a variance, state law permits the Board of Zoning Appeals to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Should the Board vote to approve the variance request, staff would recommend in favor of attaching the following conditions:

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on August 26, 2020. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.

- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final building inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.

- The variance shall expire on August 26, 2022 (two years from the date of approval) if the Applicants fail to obtain a building permit on or before that date.

Respectfully submitted,

Joseph M. Cronin
Town Administrator/Zoning Administrator
Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
The following supplemental items have been attached for review:

<table>
<thead>
<tr>
<th>Application &amp; Property Information</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Variance Application</td>
<td>186-189</td>
</tr>
<tr>
<td>2 Survey (Existing Conditions)</td>
<td>190-191</td>
</tr>
<tr>
<td>3 Site Plan &amp; Building Drawings</td>
<td>192-202</td>
</tr>
<tr>
<td>4 Subdivision Plat (1977)</td>
<td>203-204</td>
</tr>
<tr>
<td>5 Property Photos</td>
<td>205-213</td>
</tr>
<tr>
<td>6 Zoning Map</td>
<td>214-215</td>
</tr>
<tr>
<td>7 Aerial Images</td>
<td>216-217</td>
</tr>
<tr>
<td>8 FEMA Base Flood Elevations (Current &amp; Preliminary)</td>
<td>218-219</td>
</tr>
<tr>
<td>9 Title to Real Estate</td>
<td>220-225</td>
</tr>
<tr>
<td>10 Property Information Card</td>
<td>226-230</td>
</tr>
<tr>
<td>11 Public Hearing Notice – Letter to Neighboring Property Owners</td>
<td>231-232</td>
</tr>
<tr>
<td>12 Public Hearing Notice – List of Neighboring Property Owners</td>
<td>233-234</td>
</tr>
<tr>
<td>13 Public Hearing Notice – U.S.P.S. Certified Mail Receipts</td>
<td>235-236</td>
</tr>
<tr>
<td>14 Public Hearing Notice – Post and Courier Legal Ad</td>
<td>237-238</td>
</tr>
<tr>
<td>15 Public Hearing Notice – Property Posting</td>
<td>239-240</td>
</tr>
</tbody>
</table>

| Other Information | --- |
| Other Information | None |

<table>
<thead>
<tr>
<th>Written Correspondence Regarding the Proposed Variance Request</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 a) Letter from Lynn &amp; Jack Williams (July 6, 2020)</td>
<td>241-243</td>
</tr>
<tr>
<td>16 b) Letter from Sara Jane &amp; John Foltz (July 10, 2020)</td>
<td>244-246</td>
</tr>
<tr>
<td>16 c) Letter from Donna &amp; Paul Reinbolt (August 6, 2020)</td>
<td>247-251</td>
</tr>
</tbody>
</table>
Variance Application
TOWN OF SEABROOK ISLAND
2001 Seabrook Island Road
Seabrook Island, SC 29455
(843) 768-9121

APPLICATION FOR VARIANCE
Board of Zoning Appeals

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a $150.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

1. PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>3557 Seaview Dr. Seabrook Isl, SC 29455</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Map Number</td>
<td>147-11-00-049</td>
</tr>
<tr>
<td>Lot Size (Square Feet)</td>
<td>17,589</td>
</tr>
<tr>
<td>Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)</td>
<td>Yes ✔ No</td>
</tr>
<tr>
<td>Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)</td>
<td>Yes ✔ No</td>
</tr>
</tbody>
</table>

2. APPLICANT(S)

<table>
<thead>
<tr>
<th>Applicant Name(s)</th>
<th>Outdoor Spatial Design, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>1060 E. Montague Ave. Suite 315, N. Charleston, SC 29405</td>
</tr>
<tr>
<td>Applicant Phone Number</td>
<td>843-733-3325</td>
</tr>
<tr>
<td>Applicant Email Address</td>
<td><a href="mailto:garlisle@osdla.com">garlisle@osdla.com</a></td>
</tr>
</tbody>
</table>

If the Applicant is NOT an owner of the property, what is the relationship to the Property Owner(s)? Contracted Landscape Architects

3. PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Owner Name(s)</th>
<th>Leanne &amp; William Spaide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Mailing Address</td>
<td>3557 Seaview Dr. Seabrook Isl, SC 29455</td>
</tr>
<tr>
<td>Owner Phone Number</td>
<td>949-400-7052</td>
</tr>
<tr>
<td>Owner Email Address</td>
<td><a href="mailto:lspaide@sbcglobal.net">lspaide@sbcglobal.net</a></td>
</tr>
</tbody>
</table>

**Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner):** I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.

Owner Signature(s) [Signature]
Date 6/18/2020

4. CERTIFICATION

Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge.

Applicant Signature(s) [Signature]
Date 6/22/20

OFFICE USE ONLY

Date Filed: Variance Application #: Hearing Date:

Variance Application (Rev. 07/2019)
5. VARIANCE REQUEST

A. Please provide a brief description of the proposed scope of work:

| There are significant grading, drainage and erosion issues in both the front and back yard: |
| - We are proposing terraced, permeable timber steps in the back yard to prevent further erosion and allow the homeowners to safely access and use this area of their property. |
| - We are proposing a sloppy-v retaining wall to prevent further erosion along the base of a 26” caliper oak tree along the front property line. The sloppy-v retaining wall will ensure the health and longevity of the grand tree by reducing erosion around the roots. |

B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town’s DSO:

1) DSO Section Reference(s): 

2) DSO Requirement(s): 

C. The application of the zoning requirements of the town’s DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

| The existing home was constructed in 1984 prior to the town's incorporation and establishment of DSO. Existing home/yard features fall under Non-Conforming Use given that the features of the house/yard lie beyond required setbacks in some areas. The home was constructed prior to the application/enforcement of the current setbacks. |

2) These conditions do not generally apply to other property in the vicinity as shown by:

| - There is 26” oak tree located on top of a front yard sand dune. Lack of maintenance of previous owners and erosion have resulted in significant tree root exposure and instability of the hill. Without a retaining wall the grand tree will most likely require removal due to safety and liability concerns. |
| - There is significant slope in the backyard that is continuing to erode. The backyard is unusuable and unsafe to use. If left as is the current conditions may present expose to liability. |

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

| - The stabilization of the front yard dune and 26” Oak tree will improve the health of the tree and while reducing further erosion and damage or loss to the 26” Oak tree. |
| - The existing rear walkway already encroaches into the rear yard setback by 4 feet. The proposed permeable terraced walkway/retaining steps would encroach by 17 feet to ensure erosion stability and safe access to the backyard. |

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

| The authorization of the variances will not be detrimental to adjacent properties or the public good. |
| - The proposed retaining wall along the front sand dune will enhance nearby properties and the public good by insuring the health of the unique 26” Oak tree and prevention of further erosion. |
| - The backyard is screened by thick vegetation that obscures views from neighboring properties. |
| - Ornamental plants will be added to the rear terraced steps and front retaining wall to add interest. |
6. APPLICATION MATERIALS

In addition to the completed Variance Application Form, all requests for variance must be accompanied by the supplemental materials listed below. An application is not considered “complete” until all required documentation has been received by the Zoning Administrator. Below is a checklist of the required materials:

- **Completed & Signed Variance Application Form (Paper Required; PDF Optional)**
  - Please submit one completed paper application. All signatures must be original.

- **$150.00 Application Fee**
  - The application fee may be paid by cash or check only.

- **As-Built Survey / Survey of Existing Conditions (Paper Required; PDF Optional)**
  - All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.

- **Proposed Site Plan (Paper & PDF Required)**
  - Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
  - For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.

- **Scaled Architectural Drawings: (Paper & PDF Required)**
  - Required for all new structures and/or exterior modifications to existing structures.
  - Architectural drawings must show, at a minimum:
    - A detailed floor plan or plan view; and
    - Front, side and rear elevations, as appropriate.

- **Letter of Approval from Property Owners Association and/or Regime: (Paper Required; PDF Optional)**
  - Required for all properties which are subject to private restrictions and/or covenants.
  - If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.

- **Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required. (Paper & Digital Files Optional)**

CRITERIA FOR REVIEW

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
ATTACHMENT #2

Survey (Existing Conditions)
PROPERTY LINE WITH PROPERTY CORNER FOUND AS DESCRIBED

OFF = 1" OPEN PIPE FOUND
PFF = 1" PINCHED PIPE FOUND

PROPERTY OF
THE CLUB AT SEABROOK ISLAND
TMS# 147-00-00-027

SEAVIEW DRIVE (50' R/W)

SURVEYED FOR LEANNE SRIADE
SITE SURVEY SHOWING LOT 4, BLOCK 18
SEABROOK ISLAND, TMS# 147-11-00-049
LOCATED ON SEABROOK ISLAND, CHARLESTON COUNTY, SC

SCALE 1" = 20'
DATE OCTOBER 25, 2018
REFERENCE PLAT RECORDED IN PLAT BOOK 84, PAGE 82
LOT MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS
NOT OBVIOUS OR APPARENT TO THE SURVEYOR
PROPERTY APPEARS TO BE IN FLOOD ZONE
AE ELEV. 13)

FEMA REVISION CHECK: 10/30/18

PAINTER LAND SURVEYING, LLC
901 GRIMSHAW STREET, HANFORD, SC 29412
TEL (843) 536-7777 FAX (843) 536-7779

191
Site Plan & Building Drawings
SPAIDE RESIDENCE
LANDSCAPE CONSTRUCTION
3557 SEAVIEW DR, SEABROOK ISLAND, SC 29455

SHEET INDEX

L00  COVER
L01  EXISTING CONDITIONS (SURVEY)
L02  SITE PREP. & DEMOLITION PLAN
L03  HARDSCAPE LAYOUT PLAN
L04  HARDSCAPE DETAILS
L05  HARDSCAPE DETAILS
L06  GRADING & DRAINAGE PLAN
L07  PLANTING PLAN
L08  PLANTING SCHEDULE & NOTES
L09  PLANTING DETAILS & NOTES

This drawing is not to be used for construction purposes unless signed and sealed by the landscape architect of record and stamped "Approved for Construction." Use of this drawing for quantity take-offs and pricing is preliminary until all applicable permits have been obtained.
1. SEE ARCHITECTURAL PLANS FOR SPOT ELEVATIONS.
2. FINAL GRADING MUST BE COMPLETED IN SUCH A WAY THAT IT DOES NOT ADVERSELY AFFECT DRAINAGE OR VEGETATION ON ADJOINING PROPERTY OR ROADSIDE SWALELS.
3. CONTRACTOR TO GRADE THE SITE WITH MINIMAL IMPACT TO EXISTING VEGETATION NOTED TO BE REMOVED.

TREE PROTECTION FENCING

PROCEDURE:
1. THE LIMIT OF WORK IS CONFINED TO AREAS WITHIN THE LIMIT OF WORK UNLESS OTHERWISE INDICATED.
2. ALL VEGETATION / PLANT BEDS TO BE DEMOLISHED WITHIN THE LIMIT OF WORK, UNLESS OTHERWISE NOTED ON THE PLANS.
3. THE CONTRACTOR SHALL CLEAR AND GRUB ONLY THOSE PORTIONS OF THE SITE NECESSARY FOR CONSTRUCTION. DISTURBED AREAS WILL BE SEEDED, MULCHED, SODDED OR PLANTED WITH OTHER APPROVED LANDSCAPE MATERIAL IMMEDIATELY FOLLOWING CONSTRUCTION.
4. THE TOP 6" OF GROUND REMOVED DURING CLEARING AND GRUBBING SHALL BE STOCKPILED AT A SITE DESIGNATED BY THE OWNER, ENGINEER, OR LANDSCAPE ARCHITECT, TO BE USED FOR LANDSCAPING PURPOSES, UNLESS OTHERWISE DIRECTED BY THE OWNER, ENGINEER, OR LANDSCAPE ARCHITECT.
5. THE CONTRACTOR IS RESPONSIBLE FOR ACQUIRING ANY PERMITS THAT ARE NEEDED FOR REMOVING EXCESS EARTHWORK FROM THE SITE.
6. ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIALS SHALL BE DISPOSED OF AT THE SITE ACCEDED TO OR IN ACCORDANCE WITH APPLICABLE REGULATORY REQUIREMENTS OR AS DIRECTED BY THE OWNER OR THE LANDSCAPE ARCHITECT.
7. CONTRACTOR SHALL PROVIDE ADEQUATE PERCENTAGE OF ROOT BALL MATERIAL.
8. CONTRACTOR TO ENSURE ADEQUATE PERCENTAGE OF ROOT BALL MATERIAL.
9. CONTRACTOR TO ENSURE ADEQUATE PERCENTAGE OF ROOT BALL MATERIAL.

SCALE: 1" = 10'-0" @ 24"x36" SHEET SIZE

PROJECT NORTH

NOTE:
1. ADEQUATE PROTECTION OF EXISTING VEGETATION WILL BE MAINTAINED AT ALL TIMES.

Tree Protection Notes:
1. PROTECTIVE TREE BARRICADE TO BE PLACED A MINIMUM OF 10' FROM BASE OF TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH. IDEALLY FENCE TO BE LOCATED AT THE OUTER PERIMETER OF THE TREE CANOPY.
2. ALL WORK DONE WITHIN PROTECTIVE BARRICADES IS TO BE DONE BY HAND ONLY.
3. ALL TREE PROTECTION DEVICES MUST TO BE INSTALLED PRIOR TO THE START OF ANY DISTURBANCES AND REMOVED AT THE END OF WORK.
4. PROVIDE 3' DEEP WOOD CHIP BULK OVER ANY UNPROTECTED ROOT ZONE.
5. MAINTAIN CLEAN CUTS ON ROOTS EXPOSED BY GRADING AND BACKFILL IMMEDIATELY.
6. ALL PRUNING OF PROTECTED TREES AND GRAND TREES SHALL BE DONE BY A QUALIFIED TREE SERVICE (CERTIFIED ARBORIST).

1. THESE DRAWINGS ARE THE PROPERTY OF OUTDOOR SPATIAL DESIGN, LLC AND ARE NOT TO BE USED FOR MAKING ANY REPRODUCTIONS THEREOF OR FOR ANY CONSTRUCTION WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION FROM THE COPYRIGHT OWNER, OUTDOOR SPATIAL DESIGN, LLC.
**Tabby Driveway with Brick Border**

**Scale:** 1" = 1'-0"

- **Header Brick Border:** Set last header course all sides with a 3/8" raked ivory buff mortar joint.
- **Brick Favers in Running Bond Pattern:** Laid with a 1/8" max vertical tolerance.
- **Surface Water Flows Through No. 789 Stone Jointing Material Between Pavers.**
- **Compacted Subgrade (95%)**
- **1" Bedding Layer No. 57 Stone**
- **4" Sub Base Arctivid J Stone**
- **5" Concrete Footer, Rake Back Concrete to 1" +/- Below Top of Brick**
- **Brick Header Border W/ 2" Raised Mortar Joints (See Layout Plan If Present)**
- **4" Concrete Footer, Base Back Concrete to 1" Below Top of Brick**

**Permeable Running Bond Brick Apron**

**Scale:** 1" = 1'-0"

- **Compacted Plantation Mix 90% No. 789 Stone and 5% Dry screenings to 0’ depth. See Vulcan Material Company Gradation Chart for Plantation Mix Specification.**
- **Compact Grade Adjacent to Plantation Mix Edge to Maintain Stability.**
- **Set Finish Grade 1” Below Plantation Mix Path.**
- **4” Border Guard Metal Edging (3/16”)**
- **4” Compacted Aggregate Base.**
- **6% Compacted Subgrade.**
- **4" Concrete Slab With Finer - 3000 PSI.**
- **Concrete apron to be laid out by L.A. in fields according to layout plan.**
- **Contractor to break exposed rough edges of oyster after concrete mix set.**
- **1/4" Shallow Control Joints,图案 to be laid out in field for approval by landscape architect.**

**Plan**

- **1 x 4 on Front**
- **2 x 6 Continuous Cap**
- **4 x 4 Post With Cap**
- **2 x 8 Tongue and Groove Boards**
- **Metal Strapped Together on the Back Side and Nailed to Railing.**
- **4 x 4 Posts (Typ.)**
- **4 x 4 Deadmen (Typ.)**
- **Adjust Lengths to Site Conditions**
- **4" Sock Pipe**
- **Filter Fabric Barrier**
- **Compacted Subgrade (95%)**
- **End Cap**
- **2 x 6 Vertical Cap**
- **4 x 4 Post +/- 6’ O.C. On Back (Evenly Space See Layout Plan)**

**Notes:**
1. Brick and Mortar to match architecture.
2. Brick Header Border.
TIMBER STEPS

SCALE: 1" = 1'-0"

1) 'BOREALIS' TECH-BLOC TIMBERS ANCHORED WITH 1" GALVANIZED STEEL PIPE DRIVEN THROUGH DRILLED HOLES IN TIMBER. MAINTAIN MIN. 2" PENETRATION INTO UNDISTURBED SUBGRADE.

2) 6' X 6' PRESSURE TREATED TIMBERS ANCHORED WITH 1" GALVANIZED STEEL PIPE DRIVEN THROUGH DRILLED HOLES IN TIMBER.

PLANTATION MIX

COMPACTED SUBGRADE (95%)

LANDSCAPE LIGHTING SPECIFACATION

IRREGULAR BLUESTONE STEPPING STONES

SCALE: 1" = 1'-0"

1) IRREGULAR FULL RANGE NATURAL CLEFT BLUESTONES TO VARY BETWEEN 18" X 18" AND 30" X 30" WITH NOMINAL THICKNESS 3/4" TO 1" THICK, SET ON 2" LEVELING BED, WITH 1/8" MAX. VERTICAL TOLERANCE EVENLY SPACED ALONG ENTIRE PATH. LA TO APPROVED SAMPLE

2) THICK STIFF MORTAR BED

FINISH GRADE

COMPACTED SUBGRADE (95%)
### PLANT SCHEDULE

#### TREES:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Size</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Vitex agnus-castus</td>
<td>Chaste Tree</td>
<td>Full, well formed</td>
<td>1 gal.</td>
</tr>
<tr>
<td>15</td>
<td>Acer palmatum 'Red Dragon'</td>
<td>Japanese Maple</td>
<td>Full, well formed</td>
<td>7 gal.</td>
</tr>
</tbody>
</table>

#### SHRUBS / GRASSES / GROUNDCOVERS:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Size</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Myrica cerifera</td>
<td>Wax Myrtle</td>
<td>Full, well formed</td>
<td>3 gal.</td>
</tr>
<tr>
<td>8</td>
<td>Ilex cassine</td>
<td>Dahoon Holly</td>
<td>Full, well formed</td>
<td>7 gal.</td>
</tr>
<tr>
<td>2</td>
<td>Camellia sasanqua</td>
<td>Yuletide</td>
<td>Full, well formed</td>
<td>7 gal.</td>
</tr>
<tr>
<td>2</td>
<td>Ilex verticillata</td>
<td>Winterberry Holly</td>
<td>Full, well formed</td>
<td>7 gal.</td>
</tr>
<tr>
<td>2</td>
<td>Ilex vomitoria</td>
<td>Yaupon Holly</td>
<td>Full, well formed</td>
<td>7 gal.</td>
</tr>
<tr>
<td>2</td>
<td>Camellia sasanqua</td>
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<td>Ilex vomitoria</td>
<td>Yaupon Holly</td>
<td>Full, well formed</td>
<td>7 gal.</td>
</tr>
</tbody>
</table>

#### Grasses / Perennials

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Size</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Tripsacum flavescens</td>
<td>Dwarf Pampas Grass</td>
<td>Full, well formed</td>
<td>1 gal.</td>
</tr>
<tr>
<td>10</td>
<td>Muhlenbergia capillaris</td>
<td>Indian Grass</td>
<td>Full, well formed</td>
<td>1 gal.</td>
</tr>
<tr>
<td>10</td>
<td>Muhlenbergia capillaris</td>
<td>Indian Grass</td>
<td>Full, well formed</td>
<td>1 gal.</td>
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<td>Full, well formed</td>
<td>1 gal.</td>
</tr>
</tbody>
</table>

### Additional Notes:

1. **Landscape Contractor:** Shall submit site suggestions prior to submitting bid.
2. **Contractor:** Shall notify the landscape architect to check the quality and location of all plant materials prior to plant installation.
3. **All existing trees and shrubs:** Shall be protected and saved unless noted to be removed, and any existing trees and shrubs shall remain or not be removed and any existing trees and shrubs shall remain or be removed, subject to the approval of the landscape architect.

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This drawing is not to be used for construction purposes unless signed and sealed by the landscape architect. This drawing is not to be used for construction purposes unless approved by the landscape architect. This drawing is not to be used for construction purposes unless approved by the landscape architect. This drawing is not to be used for construction purposes unless approved by the landscape architect. This drawing is not to be used for construction purposes unless approved by the landscape architect. This drawing is not to be used for construction purposes unless approved by the landscape architect.
ALL PALMS TO BE REFOLIATED.

PROPOSED PLANTINGS AND RELATED WORK PRIOR TO SUBMITTING BID.

2. CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT TO CHECK THE QUALITY AND LOCATION OF SUBGRADE.

3. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, PLAN SHALL GOVERN QUANTITIES, CONTACT LANDSCAPE ARCHITECT WITH ANY CONCERNS. CONTRACTOR TO VERIFY ALL PLANT COUNTS PRIOR TO BIDDING.

UNIFORM IN GIRTH.  FREE OF OLD FRONDS, FIRE BLACK, OR OTHER DAMAGE.

MATERIAL SHOULD REMAIN UNDISTURBED SUBGRADE.

DO NOT PRUNE OR TRIM CANOPY UNLESS DIRECTED TO DO SO BY LANDSCAPE ARCHITECT.

CONTRACTOR TO REMOVE EXCESS FILL FROM TOP OF TRUNK. SET CROWN OF ROOT BALL 2'-3' HIGHER THAN FINISHED GRADE. REMOVE ROPE FROM CROWN TO PREVENT GIRDLING. LEAVE CRIMP LACING OR BURLAP IN PLACE.

FINISH GRADE UNLESS OTHERWISE SPECIFIED. REPLACE AMENDED BACKFILL IN 2'-3' LIFTS. TAMPER AND WATER BETWEEN LIFTS.

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FINISH GRADE UNLESS OTHERWISE SPECIFIED. REPLACE AMENDED BACKFILL IN 2'-3' LIFTS. TAMPER AND WATER BETWEEN LIFTS.

DISCONNECT CONDUIT TO PREVENT GIRDLING. LEAVE DRUM LACING OR WIRE BASKETS IN PLACE.

CONTRACTOR TO REMOVE EXCESS FILL FROM CROWN OF TREE. SET CROWN OF TREE 1'-3' HIGHER THAN FINISHED GRADE. GENTLY SEPARATE ROOTBALL BEFORE PLANTING.

1. AMENDED BACKFILL TO CONSIST OF BUILDERS SAND, COMPOST, AND SCREENED TOPSOIL AS NECESSARY.

2. WHERE SHRUBS ARE PLANTED IN SEEDS, MULCH TO COVER ENTIRE MULCH.

3. REPLACE AMENDED BACKFILL IN 2'-3' LIFTS. TAMPER AND WATER BETWEEN LIFTS.

FINISH GRADE UNLESS OTHERWISE SPECIFIED. REPLACE AMENDED BACKFILL IN 2'-3' LIFTS. TAMPER AND WATER BETWEEN LIFTS.

CONTRACTOR TO REMOVE EXCESS FILL FROM CROWN OF TREE. SET CROWN OF TREE 1'-3' HIGHER THAN FINISHED GRADE. GENTLY SEPARATE ROOTBALL BEFORE PLANTING.

NOTE: AMENDED BACKFILL TO CONSIST OF BUILDERS SAND, COMPOST, AND SCREENED TOPSOIL AS NECESSARY.

WHERE SHRUBS ARE PLANTED IN SEEDS, MULCH TO COVER ENTIRE MULCH.

FINISH GRADE UNLESS OTHERWISE SPECIFIED. REPLACE AMENDED BACKFILL IN 2'-3' LIFTS. TAMPER AND WATER BETWEEN LIFTS.

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FINISH GRADE.

DO NOT PRUNE OR TRIM CANOPY UNLESS DIRECTED TO DO SO BY LANDSCAPE ARCHITECT.

CONTRACTOR TO REMOVE EXCESS FILL FROM TOP OF TRUNK. SET CROWN OF ROOT BALL 2'-3' HIGHER THAN FINISHED GRADE. REMOVE ROPE FROM CROWN TO PREVENT GIRDLING. LEAVE CRIMP LACING OR BURLAP IN PLACE.

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FINISH GRADE.
VARIANCE FORM - SUPPORTING IMAGES
3507 SEAVIEW DR, SEABROOK ISLAND, SC 29455
SPAC RESIDENCE

FRONT YARD SAND HILL EROSION

BACKYARD EROSION
ATTACHMENT #4

Subdivision Plat (1977)
ATTACHMENT #5

Property Photos
ATTACHMENT #6

Zoning Map
ATTACHMENT #7

Aerial Image
2913 Deer Point Drive

Parcel ID: 1471100049
OWNER1: SPAIDE LEANNE P
PLAT BOOK PAGE: AK-23
DEED BOOK PAGE: 0729-171
Jurisdiction: TOWN OF SEABROOK ISLAND

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.
ATTACHMENT #8

FEMA Base Flood Elevations
(Current & Preliminary)
FEMA Base Flood Elevation (Current)
AE-13

FEMA Base Flood Elevation (Effective 01/29/2021)
AE-10 / Shaded X / X
ATTACHMENT #9

Title to Real Estate
NOW, KNOW ALL MEN BY THESE PRESENTS, Phyllis Goldfarb ("Grantor"), in consideration of the sum of Nine Hundred Fifty Thousand and 00/100 Dollars ($950,000.00), to her in hand paid at and before the sealing of these presents by Leanne P. Spaide and William Spaide as Joint Tenants with Right of Survivorship and Not as Tenants in Common ("Grantee"), in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations, and conditions set forth below and in the attached Exhibit A incorporated herein by reference, unto the said Leanne P. Spaide and William Spaide as Joint Tenants with Right of Survivorship and Not as Tenants in Common, their heirs and assigns, the following described property, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Grantee Address: 3557 Seaview Drive, Seabrook Island, SC 29455

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Leanne P. Spaide and William Spaide as Joint Tenants with Right of Survivorship and Not as Tenants in Common, their heirs and assigns forever.

AND the Grantor does hereby bind the Grantor and the Grantor's heirs, assigns, executors, and administrators, to warrant and forever defend, all and singular, the said
Premises unto the said Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs and assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the Grantor's hand and seal, this 22 day of June, in the year of our Lord 2018.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1 sign here

Phyllis Goldfarb
Phyllis Goldfarb
Witness #2 sign here (can be notary)

STATE OF SOUTH CAROLINA )
COUNTY OF CHARLESTON )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 22 day of June, 2018, by Phyllis Goldfarb.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 1-24-28
AFFIX SEAL

GOLDFARB J18-RES-154
EXHIBIT "A"

All that certain lot, piece or parcel of land situate, lying and being on Seabrook Island, Charleston County, South Carolina, and known and designated as Lot 4, Block 18 on a plat by E.M. Seabrook, Jr., C.E. and L.S., dated November 21, 1977, and recorded in the RMC Office for Charleston County in Plat Book AK at Page 82.

Said Lot having such size, shape, dimensions, buttins and boundins mor or less as are shown on said plat, which is specifically incorporated herein by reference.

Subject to any and all easements, restrictions and rights of way of record.

THE PROPERTY DESCRIBED IN THIS DEED LIES IN CLOSE PROXIMITY TO THE TIDAL WATERS OF THE ATLANTIC OCEAN AND THEREFORE MAY BE SUBJECT TO EROSION BY THESE WATERS. GRANTOR MAKES NO REPRESENTATION OR WARRANTY AS TO THE EFFECT, IF ANY, WHICH SAID TIDAL WATERS MAY HAVE ON THE PROPERTY. THE GRANTEES HEREBIN ASSUME ALL RISK IN THE EVENT THE PROPERTY AND ANY IMPROVEMENTS BUILT THEREON IS DIMINISHED OR DAMAGED BY EROSION.

This being the identical property conveyed to Abraham Goldfarb and Phyllis Goldfarb by Judith M. Schott as Successor Trustee of the Edward J. Schott Revocable Trust dated October 8, 2013 and Judith M. Schott as Trustee of the Judith M. Schott Revocable Trust dated October 8, 2013, be deed dated November 4, 2015, and recorded on November 12, 2015, in Deed Book 0516 at Page 855 in the ROD Office for Charleston County; thereafter, Abraham Goldfarb departed this life on November 13, 2017, leaving Phyllis Goldfarb as the sole owner of 100% of the subject property by operation of law; as evidenced by Statement of Property Vesting, dated December 1, 2017, and recorded December 1, 2017, in Deed Book 0683 at Page 316 in the ROD Office for Charleston County.

TMS # 147-11-00-049
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT

Date of Transfer of Title (Closing Date) June 25, 2018

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The property is being transferred BY Phyllis Goldfarb TO Leanne P. Spaide and William Spaide ON June 25, 2018.

3. Check one of the following: The DEED is
   (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money’s worth.
   (b) X subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
   (c) X EXEMPT from the deed recording fee because (exemption# __ )
   (Explanation If required)
   (If exempt, please skip items 4-6, and go to item 7 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
   (a) X The fee is computed on the consideration paid or to be paid in money or money’s worth in the amount of $950,000.00.
   (b) X The fee is computed on the fair market value of the realty which is $ __________.
   (c) X The fee is computed on the fair market value of the realty as established for property tax purposes which is $ __________.

5. X Check YES or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is $ __________.

6. The DEED Recording Fee is computed as follows:
   (a) $950,000.00 the amount listed in item 4 above
   (b) 0 the amount listed in item 5 above (no amount place zero)
   (c) $950,000.00 Subtract Line 6(b) from Line 6(a) and place the result.

19. As required by Code Section § 12-24-70, I state that I am a responsible person who was connected with the transaction as: attorney

20. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

21. DEED OF DISTRIBUTION - ATTORNEY’S AFFIDAVIT: Estate of ______________ deceased CASE NUMBER ____________

Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. In the Estate of ______________ deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.

22. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year or both.

Sworn to before me this 25th day of June, 2018

[Signature]

Notary Public for South Carolina
My Commission Expires:

KRYSTIN M. BRADSHAW
Notary Public, South Carolina
My Commission Expires
August 19, 2024

GOLDFARB J18-RES-154

224
RECORDED

Date: June 27, 2016
Time: 11:13:08 AM

Book | Page | DocType
--- | --- | ---
0729 | 171 | Deed

Elaine H. Bozman, Register
Charleston County, SC

# of Pages: 5

Recording Fee $ 10.00
State Fee $ 2,470.00
County Fee $ 1,045.00
Extra Pages $ -
Postage $ -
Chattel $ -
TOTAL $ 3,525.00

DRAWER Drawer 4
CLERK SLW

RECORDED

NOTE: This page MUST remain
with the original document

Filed By:
BUIST BYARS & TAYLOR, LLC
FRESHFIELDS VILLAGE
130 GARDNER’S CR PMB 138
JOHNS ISLAND SC 29455 (BOX)

MAKER:
GOLDFARB PHYLLIS

RECIPIENT:
SPAIDE LEANNE P AL

Original Book: 
Original Page: 

AUDITOR STAMP HERE
RECEIVED From ROD
Jul 03, 2018
Peter J. Tacklenburg
Charleston County Auditor

PIO VERIFIED BY ASSESSOR
REP
07/03/2018
DATE

Original Book
Original Page

06/27/2018
Recorded Date

0729
Book

171
Page

D
Doc Type

11:13:08
Recorded Time
Property Information Card
**Property Information**

**Current Owner:**  
SPAIDE LEANNE P  
SPAIDE WILLIAM  
3557 SEAVIEW DR  
SEABROOK ISLAND SC 29455

<table>
<thead>
<tr>
<th>Property ID</th>
<th>1471100049</th>
</tr>
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<tbody>
<tr>
<td>Physical Address</td>
<td>3557 SEAVIEW DR</td>
</tr>
<tr>
<td>Property Class</td>
<td>101 - RESID-SFR</td>
</tr>
<tr>
<td>Plat Book/Page</td>
<td>/</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>111401 AD01 Seaview Drive Seabrook I</td>
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<tr>
<td>Deed Acres</td>
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</table>

**Legal Description**  
Subdivision Name -SEABROOK ISLAND Description -LOT 4 BLK 18  
PlatSuffix AK-23 PoTwp 009

**Sales History**

<table>
<thead>
<tr>
<th>Book</th>
<th>Page</th>
<th>Date</th>
<th>Grantor</th>
<th>Grantee</th>
<th>Type</th>
<th>Deed</th>
<th>Deed Price</th>
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<tbody>
<tr>
<td>0729</td>
<td>171</td>
<td>6/25/2018</td>
<td>GOLDFARB PHYLLIS</td>
<td>SPAIDE LEANNE P</td>
<td>S</td>
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<td>0683</td>
<td>316</td>
<td>11/13/2017</td>
<td>Multiple Owners</td>
<td>GOLDFARB PHYLLIS</td>
<td>M</td>
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<td>0516</td>
<td>855</td>
<td>11/9/2015</td>
<td>SCHOTT EDWARD J REV TRUST</td>
<td>GOLDFARB PHYLLIS</td>
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<td>$610,000</td>
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<td>0371</td>
<td>084</td>
<td>10/31/2013</td>
<td>SCHOTT EDWARD J</td>
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<td>384</td>
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**PIN: 1471100049**

This data is as of 04-09-2020

The information on this page is for Tax Year 2019 and reflects the status of the property for that tax year. This includes building information, values and information on exemptions, discounts and special assessments. Any changes for Tax Year 2020 will not be displayed until later in 2020.

### Value Info

<table>
<thead>
<tr>
<th>Legal Residence</th>
<th>LR Pct</th>
<th>AgUse</th>
<th>ATI 25Pct Exemption</th>
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<td>Y</td>
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<td>N</td>
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<table>
<thead>
<tr>
<th>Land</th>
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<tr>
<td>$320,000</td>
<td>$630,000</td>
<td>$950,000</td>
</tr>
<tr>
<td>$320,000</td>
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<td>$950,000</td>
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<tr>
<td>$320,000</td>
<td>$630,000</td>
<td>$950,000</td>
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### Value History

<table>
<thead>
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<th>2018</th>
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<tr>
<td>Market Value</td>
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<td>$718,246</td>
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<td>Capped Value *</td>
<td>$675,500</td>
<td>$675,500</td>
<td>$610,000</td>
<td>$718,246</td>
</tr>
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<td>Taxable/Use Value **</td>
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<td>Assessed Value</td>
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<td>$27,020</td>
<td>$24,400</td>
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</table>

* Capped Value: At County-wide reassessments the increase in the value of a property for tax purposes is limited (capped) at no more than 15%.

** Taxable/Use Value: The Capped Value and Taxable/Use Value are usually the same. If the property has been approved for Agricultural Use the values will be different.

### Dwelling Info

<table>
<thead>
<tr>
<th>Extension</th>
<th>House Type</th>
<th>Year Built</th>
<th>Total Finished Living Area</th>
<th>Bedroom Count</th>
<th>Full Bath Count</th>
<th>Half Bath Count</th>
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</thead>
<tbody>
<tr>
<td>R01</td>
<td>21 1.5 Stories</td>
<td>1984</td>
<td>3201</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>2</td>
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### Additional Improvements

No data available
Public Hearing Notice:
Letter to Neighboring Property Owners
TO: Neighboring Property Owners
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Request for 3557 Seaview Drive (Variance #168)
DATE: July 22, 2020

Dear Property Owner,

The purpose of this letter is to notify you that the owners of 3557 SEAVIEW DRIVE have requested a VARIANCE from the zoning requirements of the Town’s Development Standards Ordinance (DSO). The purpose of the variance request is TO ALLOW A PROPOSED RETAINING WALL TO ENCROACH APPROXIMATELY 30 FEET INTO THE REQUIRED 30-FOOT FRONT YARD SETBACK AND TO ALLOW TERRACED STEPS TO ENCROACH APPROXIMATELY 7 FEET INTO THE REQUIRED 15-FOOT REAR YARD SETBACK. A copy of the variance application is enclosed for your information.

The Town’s Board of Zoning Appeals has scheduled a VIRTUAL PUBLIC HEARING, during which time the Board will receive testimony from any individual who wishes to provide a comment regarding the variance request. This notification is being provided to you pursuant to Section § 19.30.20.30 of the DSO.

PUBLIC HEARING DATE: Wed. August 26, 2020
PUBLIC HEARING TIME: 2:30 PM
PUBLIC HEARING LOCATION: Live Stream on Town YouTube Page
https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlGZg

Individuals who wish to submit a public comment on the variance request may do so in writing by 12:00 pm on Tues. August 25, 2020, using one of the following options:

ONLINE: www.townofseabrookisland.org/variance-168.html
BY E-MAIL: jcronin@townofseabrookisland.org
BY MAIL: Town of Seabrook Island, Attn: Zoning Administrator
2001 Seabrook Island Road, Seabrook Island, SC 29455

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

Sincerely,

Joseph M. Cronin
Town Administrator/Zoning Administrator
Public Hearing Notice:
List of Neighboring Property Owners
## Variance Notification List

### 3557 Seaview Drive

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Owner(s) of Record</th>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tbody>
<tr>
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<td>Steven Delaney</td>
<td>3553 Seaview Drive</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
</tr>
<tr>
<td>3554 Seaview Drive</td>
<td>Peter and Kathryn McDevitt</td>
<td>10720 Sycamore Springs Ln</td>
<td>Great Falls</td>
<td>VA</td>
<td>22066</td>
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<td>3555 Seaview Drive</td>
<td>Foltz Revocable Trust</td>
<td>3555 Seaview Drive</td>
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</tr>
<tr>
<td>3556 Seaview Drive</td>
<td>Kevin and Nanette Murphy</td>
<td>5301 Burwash Court</td>
<td>Charlotte</td>
<td>NC</td>
<td>28277</td>
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<tr>
<td>3558 Seaview Drive</td>
<td>John and Lynn Williams</td>
<td>3558 Seaview Drive</td>
<td>Seabrook Island</td>
<td>SC</td>
<td>29455</td>
</tr>
<tr>
<td>3559 Seaview Drive</td>
<td>Paul and Donna Reinbolt</td>
<td>11731 Winshire Drive</td>
<td>Houston</td>
<td>TX</td>
<td>77024</td>
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<tr>
<td>3560 Seaview Drive</td>
<td>Thomas and Tara Olson</td>
<td>361 Ridgeway Street</td>
<td>Saint Joseph</td>
<td>MI</td>
<td>49085</td>
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<tr>
<td>3561 Seaview Drive</td>
<td>Carolyn McAfee</td>
<td>661 Richmond Hill Drive</td>
<td>Macon</td>
<td>GA</td>
<td>31210</td>
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<td>3565 Seabrook Island Road</td>
<td>Seabrook Grimes Trust / Ronald Calhoun Trustee</td>
<td>3792 Grimes Drive</td>
<td>Columbus</td>
<td>OH</td>
<td>43204</td>
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<td>3580 Seabrook Island Road</td>
<td>Marilyn Ashikari</td>
<td>99 Tomahawk Street</td>
<td>Yorktown Heights</td>
<td>NY</td>
<td>10598</td>
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<tr>
<td>Golf Course</td>
<td>The Club at Seabrook Island</td>
<td>1002 Landfall Way</td>
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<tr>
<td>Property Owners Association</td>
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<td>1202 Landfall Way</td>
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### Regime

- Not Applicable
Public Hearing Notice:
U.S.P.S. Certified Mail Receipts
Public Hearing Notice:
Post & Courier Legal Ad
AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

appeared in the issues of said newspaper on the following day(s):

07/27/20 Mon PC
07/27/20 Mon CNW

A.D. 2020

Subscribed and sworn to before me this 27th day of July, 2020

Advertising clerk

NOTARY PUBLIC, SC
My commission expires 09/24/2023

238
Public Hearing Notice:
Property Posting
NOTICE
Board of Zoning Appeals Hearing

The Board of Zoning Appeals of the Town of Beaufort Island, SC will hold a public hearing at 7:00 pm on 11/10/2020 at 23900 Bayshore Pkway

PUBLIC INVITED

Property Owner is seeking variance from Zoning Ordinance

VARIANCE IS TO ALLOW: A Special Review, less than 60 feet

with the required Set back, and 20 feet

Set back. A Special Review 10 feet

with the required 20 feet setback and 20 feet

40 feet

40 feet

40 feet

40 feet

40 feet

Documents required to this specific may be viewed at 23900 Bayshore Pkwy

THIS NOTICE SHALL NOT BE REMOVED OR DEFACED UNDER PENALTY OF LAW
Letter from Lynn & Jack Williams
(July 6, 2020)
July 2, 2020

Lynn and Jack Williams  
3558 Seaview Drive  
Seabrook Island, South Carolina 29455

Dear Lynn and Jack,

As you know, since we relocated to Seabrook Island, we have been planning to redo the landscaping. We have continued with the efforts and, as a result, have produced more detailed plans and layouts. In addition to rejuvenating the trees and plants, we are also planning to replace some of the existing decking/stairs while also stabilizing some of the steeper slopes in the yard. We are excited about the positive impact our plans will have for both our property and the neighborhood.

As the house was constructed in 1984 prior to the town’s incorporation and establishment of Development Standard Ordinances (DSO), we have the unique challenge that, while there were limited regulations at the time of constructions, setback requirements and similar restrictions have been subsequently implemented. As a result, existing features of the home and yard are “grandfathered” while new features are subject to the DSOs. We have become aware that two components of our landscaping plans will require us to apply for a zoning variance from the Town’s Board of Zoning Appeals (ZBA)...both of which relate to encroachment into setbacks and the steep sloping in portions of our yard.

Related to the sloping, there are two areas particularly that have concerned us as being especially vulnerable to erosion and, if not addressed, potentially to liability. The first area is in the front yard on the left side of the driveway...the large oak on top of the dune. The steep grade of the hill next to the driveway continues to erode exposing the roots of the tree and increasing the risk that we may lose it in strong winds. We are proposing to add a small retaining wall next to the driveway to shore up the slope and protect the oak from further erosion. We plan to plant grasses and foliage in front of the wall to conceal the wall.

The other area is in the rear yard where we have a steep slope leading to the rear right corner of the lot. We are proposing to terrace the hill similar to the steps currently in place. The terracing will be wider than the steps and extend to within 8’ of the rear property line. The DSOs permit the terracing to extend to within 15’ of the line...we are requesting a variance for the additional 7’ as the rear property boundary is bordered by a dense thicket. There will be ornamental groundcovers along the backyard terraced steps to further improve erosion and soften / hide the slope. As the backyard is only visible to from our property, we feel that this erosion-preventing strategy will not impact neighbors.
Part of the ZBA process is a notice period prior to the actual BZA meeting. Along with the landscape architect, we are in the process of assembling a packet for submission to the Town in advance of the notice period and for presentation at the ZBA meeting. Letters of support from immediate neighbors are encouraged and factor into the ZBA's decision on granting variances. To that end, we are requesting that you consider our landscaping plans and support our variance exception request by signing below. Should you have any questions or concerns at all, please reach out to us and we will be happy to provide additional information.

Best regards,

[Signature]

Enclosures:  
Design Layout – Spaide Residence  
Front Yard – Before  
Front Yard – After  
Rear Yard – Before  
Rear Yard – After

I, Lynn/Jack Williams, support the owners’, of 3557 Seaview Drive, Seabrook Island, request for a variance the allow the stabilization of front and rear yard slopes as described above and shown in the attached documents.

[Signature]

Name

Date: 7-6-20

3558 Seaview Drive
Seabrook Island, S. C.
Letter from Sara Jane & John Foltz
(July 10, 2020)
July 2, 2020

Sara Jane and John Foltz  
3555 Seaview Drive  
Seabrook Island, South Carolina 29455

Dear Sara Jane and John,

As you know, since we relocated to Seabrook Island, we have been planning to redo the landscaping. We have continued with the efforts and, as a result, have produced more detailed plans and layouts. In addition to rejuvenating the trees and plants, we are also planning to replace some of the existing decking/stairs while also stabilizing some of the steeper slopes in the yard. We are excited about the positive impact our plans will have for both our property and the neighborhood.

As the house was constructed in 1984 prior to the town’s incorporation and establishment of Development Standard Ordinances (DSO), we have the unique challenge that, while there were limited regulations at the time of constructions, setback requirements and similar restrictions have been subsequently implemented. As a result, existing features of the home and yard are “grandfathered” while new features are subject to the DSOs. We have become aware that two components of our landscaping plans will require us to apply for a zoning variance from the Town’s Board of Zoning Appeals (ZBA)...both of which relate to encroachment into setbacks and the steep sloping in portions of our yard.

Related to the sloping, there are two areas particularly that have concerned us as being especially vulnerable to erosion and, if not addressed, potentially to liability. The first area is in the front yard on the left side of the driveway...the large oak on top of the dune. The steep grade of the hill next to the driveway continues to erode exposing the roots of the tree and increasing the risk that we may lose it in strong winds. We are proposing to add a small retaining wall next to the driveway to shore up the slope and protect the oak from further erosion. We plan to plant grasses and foliage in front of the wall to conceal the wall.

The other area is in the rear yard where we have a steep slope leading to the rear right corner of the lot. We are proposing to terrace the hill similar to the steps currently in place. The terracing will be wider than the steps and extend to within 8’ of the rear property line. The DSOs permit the terracing to extend to within 15’ of the line...we are requesting a variance for the additional 7” as the rear property boundary is bordered by a dense thicket. There will be ornamental groundcovers along the backyard terraced steps to further improve erosion and soften / hide the slope. As the backyard is only visible to from our property, we feel that this erosion-preventing strategy will not impact neighbors.
Part of the ZBA process is a notice period prior to the actual BZA meeting. Along with the landscape architect, we are in the process of assembling a packet for submission to the Town in advance of the notice period and for presentation at the ZBA meeting. Letters of support from immediate neighbors are encouraged and factor into the ZBA’s decision on granting variances. To that end, we are requesting that you consider our landscaping plans and support our variance exception request by signing below. Should you have any questions or concerns at all, please reach out to us and we will be happy to provide additional information.

Best regards,

[Signatures]

Enclosures: Design Layout – Spaide Residence
Front Yard – Before
Front Yard – After
Rear Yard – Before
Rear Yard – After

---

I, Sara Jane/John Foltz, support the owners’, of 3557 Seaview Drive, Seabrook Island, request for a variance the allow the stabilization of front and rear yard slopes as described above and shown in the attached documents.

[Signatures]

Name
Date 7-10-20

Name
Date 7-10-20
Letter from Donna & Paul Reinbolt
(August 6, 2020)
Hi Joe,

Thank you for sending the Public Hearing Notice dated July 22, 2020 regarding the above. Paul and I, adjacent neighbors to the subject property, support the variance. Attached please find a copy of a letter sent to the Spaides wherein we state the reasons for our support. Further, we signed an acknowledgement letter drafted by the Spaides that I believe was part of the Spaides' variance application.

Donna Reinbolt

3559 Seaview Drive
Seabrook Island, SC 29455

and

11731 Winshire Circle
Houston, TX 77024
July 6, 2020

Leanne and William Spaide  
3557 Seaview Drive  
Seabrook Island, SC 29455

Dear Leanne and Bill,

Thank you for your letter dated July 2, 2020 and related attachments pertaining to your proposed landscaping. Paul and I support your proposal, as described, and so indicated by executing your letter, a copy of which is attached.

The large oak on top of the dune in your front yard is beautiful and part of the character of our street. It is our opinion that protecting and saving such trees are good for property values. We appreciate the time, effort and cost you are willing to contribute to ensure the well-being of the large oak.

Likewise, we anticipate the rear yard terracing that is proposed will help prevent erosion and thereby protect the trees within the yard. Along with being beautiful, the trees also provide a screen against errant golf balls. Again, we appreciate your efforts.

We support your variance request and wish you success.

Sincerely,

[Signature]

Donna M. Reinbold

Enc.
July 2, 2020

Donna and Paul Reinbolt
3559 Seaview Drive
Seabrook Island, South Carolina 29455

Dear Donna and Paul,

As you know, since we relocated to Seabrook Island, we have been planning to redo the landscaping. A few months ago, Leanne shared the preliminary drawings of what we were planning with you. We have continued with the efforts and, as a result, have produced more detailed plans and layouts. In addition to rejuvenating the trees and plants, we are also planning to replace some of the existing decking/stairs while also stabilizing some of the steeper slopes in the yard. We are excited about the positive impact our plans will have for both our property and the neighborhood.

As the house was constructed in 1984 prior to the town’s incorporation and establishment of Development Standard Ordinances (DSO), we have the unique challenge that, while there were limited regulations at the time of construction, setback requirements and similar restrictions have been subsequently implemented. As a result, existing features of the home and yard are “grandfathered” while new features are subject to the DSOs. We have become aware that two components of our landscaping plans will require us to apply for a zoning variance from the Town’s Board of Zoning Appeals (ZBA)...both of which relate to encroachment into setbacks and the steep sloping in portions of our yard.

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Best regards,

[Signature]

Donna M. Reinbolt

Endocles: Design Layout – Spaide Residence
Front Yard – Before
Front Yard – After
Rear Yard – Before
Rear Yard – After

I, Donna/Paul Reinbolt, support the owners', of 3557 Seaview Drive, Seabrook Island, request for a variance to allow the stabilization of front and rear yard slopes as described above and shown in the attached documents.

[Signature] 7/6/20

Donna M. Reinbolt
Name

3557 Seaview Dr.
Seabrook Island, SC 29455

7 - 6 - 2020
Date